















118611

# LEGISLATIVE ASSEMBLY OF ONTARIO

FIRST SESSION OF THE TWENTY FOURTH  
PARLIAMENT

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## BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

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118611

SESSION

FEBRUARY 21st to APRIL 10th  
1952



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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Town of New Toronto

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MR. BRANDON

---

(PRIVATE BILL)



No. 1

1952

# BILL

## An Act respecting the Town of New Toronto

**W**HEREAS The Corporation of the Town of New Toronto Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Section 2 and Schedule A of *The County of York Act*, 1937, c. 106,  
1937 are repealed. s. 2,  
Sched. A,  
repealed

**2.** This Act comes into force on the day it receives Commence-  
ment  
Royal Assent.

**3.** This Act may be cited as *The Town of New Toronto Act*, Short title  
1952.



BILL

An Act respecting the Town of  
New Toronto.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. BRANDON

(*Private Bill*)



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Town of New Toronto

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No. 1

1952

# BILL

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**2.** This Act comes into force on the day it receives Commence-  
ment  
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1952.

BILL

An Act respecting the Town of  
New Toronto.

*1st Reading*

February 28th, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

March 17th, 1952

MR. BRANDON

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the City of Sarnia  
Separate School Board

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MR. CATHCART

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 2

1952

# BILL

## An Act respecting the City of Sarnia Separate School Board

**W**HEREAS the Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the City of Sarnia, hereinafter  
called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth to hold office for the term hereinafter provided;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1.—(1) The Board shall consist of eight trustees, each of Composition  
of Board  
whom shall continue in office for two years and until his  
successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of  
office of  
first  
members  
four of the Board, to be determined by lot at the first meeting  
of the Board after such election, shall hold office for one year,  
and the other four for two years.

(3) At every election after the first, there shall be elected Subsequent  
elections  
four trustees to replace the outgoing four trustees.

2. The term of office of all trustees of the Board holding Termina-  
tion of  
office of  
present  
members  
office on the 31st day of December, 1952, shall become ter-  
minated on that date.

3. Notwithstanding the provisions of *The Separate Schools* Election  
of trustees  
by general  
vote  
*Act*, an election by general vote, without regard to wards or  
ward boundaries, by the separate school ratepayers of the City  
of Sarnia for the trustees of the Board, shall be held in the Rev. Stat.,  
c. 356  
year 1952 at the same time and place and by the same return-  
ing officer or officers and shall be conducted in the same  
manner as the municipal nominations and elections in and for  
the City of Sarnia, and the provisions of *The Municipal Act* Rev. Stat.,  
c. 243  
respecting the time and manner of holding nominations and  
elections, including the method of receiving nominations for

office and the resignations of persons nominated and declarations of qualification of office, shall apply *mutatis mutandis* to such and all subsequent elections.

**Vacancies**

Rev. Stat.,  
c. 356

**4.** Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

**Commence-  
ment**

**5.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**6.** This Act may be cited as *The City of Sarnia Separate School Board Act, 1952*.









BILL

An Act respecting the City of Sarnia  
Separate School Board.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. CATHCART

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act respecting the City of Sarnia  
Separate School Board

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MR. CATHCART

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*(Reprinted as amended by the Committee on Private Bills)*



No. 2

1952

# BILL

## An Act respecting the City of Sarnia Separate School Board

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of the Board after such election, shall hold office for one year,  
and the other four for two years.

(3) At every election after the first, there shall be elected Subsequent  
elections  
four trustees to replace the outgoing four trustees.

**2.** The trustees of the Board holding office on the day this Present  
members  
Act comes into force shall continue in office until the 31st day  
of December, 1952, and their terms of office shall become ter-  
minated on that date.

**3.** Notwithstanding the provisions of *The Separate Schools* Election  
of trustees  
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*Act*, an election by general vote, without regard to wards or  
ward boundaries, by the separate school ratepayers of the City  
of Sarnia for the trustees of the Board, shall be held in the  
year 1952 at the same time and place and by the same return-  
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manner as the municipal nominations and elections in and for  
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Commence-  
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5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Sarnia Separate School Board Act, 1952*.









BILL

An Act respecting the City of Sarnia  
Separate School Board

*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

MR. CATHCART

*(Reprinted as amended by the Committee on  
Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act respecting the City of Sarnia  
Separate School Board**

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**MR. CATHCART**

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**TORONTO**

**PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY**



# BILL

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Therefore, Her Majesty, by and with the advice and consent  
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**3.** Notwithstanding the provisions of *The Separate Schools* Election  
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**Vacancies**

Rev. Stat.,  
c. 356

**4.** Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

**Commence-  
ment**

**5.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**6.** This Act may be cited as *The City of Sarnia Separate School Board Act, 1952*.









---

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**BILL**

An Act respecting the City of Sarnia  
Separate School Board

---

*1st Reading*

February 28th, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

March 17th, 1952

---

MR. CATHCART

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act respecting the City of Stratford**

---

MR. EDWARDS

---

(PRIVATE BILL)



# BILL

## An Act respecting the City of Stratford

**W**HEREAS The Corporation of the City of Stratford Preamble by its petition has represented that at the last municipal election held in the City of Stratford the electors voted by a large majority in favour of the establishment of a bus transportation system within the limits of the City of Stratford and also voted, by a large majority, that the said system be managed and controlled by The Public Utilities Commission of the City of Stratford; and whereas the Corporation has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation of the City of Stratford may establish, Establishment of bus system by purchase or otherwise, a municipally-operated bus transportation system in Stratford and may own real and personal property for use in connection therewith.

**2.** Subject to the approval of the Ontario Municipal Debentures Board, the Corporation of the City of Stratford may issue debentures, without the assent of the electors, for the purposes mentioned in section 1.

**3.** The Corporation of the City of Stratford may, by Operation by Commission law, entrust the construction of the work in connection with the transportation system and the control and management of the system to The Public Utilities Commission of the City of Stratford.

**4.** This Act comes into force on the day it receives Commencement Royal Assent.

**5.** This Act may be cited as *The City of Stratford Act, 1952*. Short title

BILL

An Act respecting the City of Stratford

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. EDWARDS

*(Private Bill)*



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act respecting the City of Stratford**

---

MR. EDWARDS

---



No. 3

1952

# BILL

## An Act respecting the City of Stratford

**W**HEREAS The Corporation of the City of Stratford Preamble by its petition has represented that at the last municipal election held in the City of Stratford the electors voted by a large majority in favour of the establishment of a bus transportation system within the limits of the City of Stratford and also voted, by a large majority, that the said system be managed and controlled by The Public Utilities Commission of the City of Stratford; and whereas the Corporation has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of Stratford may establish, Establishment of bus system by purchase or otherwise, a municipally-operated bus transportation system in Stratford and may own real and personal property for use in connection therewith.
2. Subject to the approval of the Ontario Municipal Debentures Board, the Corporation of the City of Stratford may issue debentures, without the assent of the electors, for the purposes mentioned in section 1.
3. The Corporation of the City of Stratford may, by Operation by Commission by-law, entrust the construction of the work in connection with the transportation system and the control and management of the system to The Public Utilities Commission of the City of Stratford.
4. This Act comes into force on the day it receives Commencement Royal Assent.
5. This Act may be cited as *The City of Stratford Act, 1952*. Short title

BILL

An Act respecting the City of Stratford

*1st Reading*

March 6th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

MR. EDWARDS

No. 4

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

## BILL

**An Act respecting Sarnia Young Men's and  
Young Women's Christian Association**

---

MR. CATHCART

---

(PRIVATE BILL)

---

TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 4

1952

# BILL

## An Act respecting Sarnia Young Men's and Young Women's Christian Association

**W**HEREAS Sarnia Young Men's and Young Women's <sup>Preamble</sup>  
Christian Association, hereinafter called the Association, by its petition has prayed that its buildings, lands, equipment and undertaking, so long as they are occupied by, used and carried on for the purposes of the Association, be made exempt from taxation except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The buildings, lands, equipment and undertaking of <sup>Tax exemption</sup>  
the Association, so long as they are occupied by, used and carried on for the purposes of the Association, shall be exempt from taxation except for local improvements.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Sarnia Young Men's and* <sup>Short title</sup>  
*Young Women's Christian Association Act, 1952.*

---

BILL

An Act respecting Sarnia Young Men's and  
Young Women's Christian Association

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. CATHCART

---

*(Private Bill)*



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

**An Act respecting Sarnia Young Men's and  
Young Women's Christian Association**

---

MR. CATHCART

---

*(Reprinted as amended by the Committee on Private Bills)*



No. 4

1952

# BILL

## An Act respecting Sarnia Young Men's and Young Women's Christian Association

**W**HEREAS Sarnia Young Men's and Young Women's Christian Association, hereinafter called the Association, by its petition has prayed that provision be made for exemption from taxation, by municipal by-law, for all purposes except for local improvements; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of a municipality may pass by-laws exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law. Tax exemption  
Rev. Stat.,  
c. 24

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Sarnia Young Men's and Young Women's Christian Association Act, 1952.* Short title

BILL

An Act respecting Samia Young Men's and  
Young Women's Christian Association

*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

MR. CATHCART

(Reprinted as amended by the Committee on  
*Private Bills*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## **BILL**

**An Act respecting Sarnia Young Men's and  
Young Women's Christian Association**

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MR. CATHCART

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 4

1952

# BILL

## An Act respecting Sarnia Young Men's and Young Women's Christian Association

**W**HEREAS Sarnia Young Men's and Young Women's Christian Association, hereinafter called the Association, by its petition has prayed that provision be made for exemption from taxation, by municipal by-law, for all purposes except for local improvements; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of a municipality may pass by-laws exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law. Tax exemption  
Rev. Stat.,  
c. 24

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Sarnia Young Men's and Young Women's Christian Association Act, 1952*. Short title

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BILL

An Act respecting Sarnia Young Men's and  
Young Women's Christian Association

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*1st Reading*

February 28th, 1952

*2nd Reading*

March 24th, 1952

*3rd Reading*

March 27th, 1952

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MR. CATHCART

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the City of Sault Ste. Marie

---

MR. LYONS

---

(PRIVATE BILL)



No. 5

1952

# BILL

## An Act respecting the City of Sault Ste Marie

**W**HEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that it is desirable to increase the number of members of The Public Utilities Commission of the City to five members instead of three members as at present provided, and has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subject to the provisions of this Act, The Public Utilities Commission of the City of Sault Ste. Marie, heretofore established for the administration of the water and light systems of the City, is hereby continued.

**2.** The Commission shall consist of five members, four to be appointed by the council of the City and the fifth to be the mayor of the City *ex officio*.

**3.** Forthwith after the day this Act comes into force, the Council of the City shall appoint two new members to the Commission who, with the two present members previously appointed and the mayor *ex officio*, shall be The Public Utilities Commission of the City of Sault Ste. Marie, and the appointed members shall hold office for the terms hereinafter provided and until their successors are appointed.

**4.—(1)** The two members of the Commission appointed prior to the day this Act comes into force shall hold office until the end of the year 1953, and shall continue in office until their successors are appointed; the two new members of the Commission appointed by the council of the City after the day this Act comes into force shall hold office until the end of the year 1954, and shall continue in office until their successors are appointed.

**Idem** (2) Commencing in the year 1954, two commissioners shall thereafter be appointed by the council of the City yearly at the first meeting of the council in January to succeed the two members whose term of office has expired.

**Vacancies** (3) A vacancy from any cause in the membership of the Commission shall be filled by the council of the City, and the newly appointed member shall hold office for the balance of the term of the member who vacated the office, and shall continue in office until his successor is appointed.

**Salaries of Commissioners** **Rev. Stat., c. 320** 5. The Commissioners may be paid salaries in accordance with *The Public Utilities Act*.

**Application of Rev. Stat., c. 320** 6. Except as varied by this Act, the provisions of *The Public Utilities Act* shall apply to the Commission and its members.

**Repeal** 7.—(1) The following are repealed:

1917, c. 87,  
s. 2, Sched. B (a) Section 2 and Schedule B of *The City of Sault Ste. Marie Act, 1917*.

1918,  
c. 80, s. 3 (b) Section 3 of *The City of Sault Ste. Marie Act, 1918*.

1919,  
c. 105, s. 2, (c) Section 2 of *The City of Sault Ste. Marie Act, 1919*.

1930, c. 98,  
Sched. A,  
cl. a (d) Clause a of Schedule A of *The City of Sault Ste. Marie Act, 1930*.

**By-laws void** (2) All by-laws of The Corporation of the City of Sault Ste. Marie heretofore passed with respect to the Commission shall be void.

**Commence-  
ment** 8. This Act comes into force on the day it receives Royal Assent.

**Short title** 9. This Act may be cited as *The City of Sault Ste. Marie Act, 1952*.







BILL

An Act respecting the City of  
Sault Ste. Marie

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. LYONS

---

(*Private Bill*)



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the City of Sault Ste. Marie

---

MR. LYONS

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# BILL

## An Act respecting the City of Sault Ste Marie

**W**HEREAS The Corporation of the City of Sault Ste. Marie by its petition has represented that it is desirable to increase the number of members of The Public Utilities Commission of the City to five members instead of three members as at present provided, and has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of this Act, The Public Utilities Commission of the City of Sault Ste. Marie, heretofore established for the administration of the water and light systems of the City, is hereby continued. P.U.C. continued

2. The Commission shall consist of five members, four to be appointed by the council of the City and the fifth to be the mayor of the City *ex officio*. Composition

3. Forthwith after the day this Act comes into force, the Council of the City shall appoint two new members to the Commission who, with the two present members previously appointed and the mayor *ex officio*, shall be The Public Utilities Commission of the City of Sault Ste. Marie, and the appointed members shall hold office for the terms hereinafter provided and until their successors are appointed. New appointments

4.—(1) The two members of the Commission appointed prior to the day this Act comes into force shall hold office until the end of the year 1953, and shall continue in office until their successors are appointed; the two new members of the Commission appointed by the council of the City after the day this Act comes into force shall hold office until the end of the year 1954, and shall continue in office until their successors are appointed. Terms of office

**Idem** (2) Commencing in the year 1954, two commissioners shall thereafter be appointed by the council of the City yearly at the first meeting of the council in January to succeed the two members whose term of office has expired.

**Vacancies** (3) A vacancy from any cause in the membership of the Commission shall be filled by the council of the City, and the newly appointed member shall hold office for the balance of the term of the member who vacated the office, and shall continue in office until his successor is appointed.

**Salaries of Commissioners**  
Rev. Stat., c. 320 **5.** The Commissioners may be paid salaries in accordance with *The Public Utilities Act*.

**Application of Rev. Stat., c. 320** **6.** Except as varied by this Act, the provisions of *The Public Utilities Act* shall apply to the Commission and its members.

**Repeal** **7.—(1)** The following are repealed:

1917, c. 87,  
s. 2, Sched. B (a) Section 2 and Schedule B of *The City of Sault Ste. Marie Act, 1917*.

1918,  
c. 80, s. 3 (b) Section 3 of *The City of Sault Ste. Marie Act, 1918*.

1919,  
c. 105, s. 2 (c) Section 2 of *The City of Sault Ste. Marie Act, 1919*.

1930, c. 98,  
Sched. A,  
cl. a (d) Clause a of Schedule A of *The City of Sault Ste. Marie Act, 1930*.

**By-laws void** (2) All by-laws of The Corporation of the City of Sault Ste. Marie heretofore passed with respect to the Commission shall be void.

**Commencement** **8.** This Act comes into force on the day it receives Royal Assent.

**Short title** **9.** This Act may be cited as *The City of Sault Ste. Marie Act, 1952*.







BILL

An Act respecting the City of  
Sault Ste. Marie

*1st Reading*

March 6th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

MR. LYONS



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Town of Timmins  
Separate School Board

---

MR. GRUMMETT

---

(PRIVATE BILL)



# BILL

## An Act respecting the Town of Timmins Separate School Board

**W**HEREAS the Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the Town of Timmins, hereinafter  
called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth to hold office for the terms hereinafter provided;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) The Board shall consist of six trustees, each of Composition of Board  
whom shall continue in office for three years and until his  
successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of office of first members  
two of the Board to be determined by vote at the first meeting  
of the Board after such election shall hold office for one year;  
two of the Board to be determined by vote at the first meeting  
of the Board after such election shall hold office for two years;  
and the other two shall hold office for three years.

(3) At every election after the first, there shall be elected Subsequent elections  
two trustees to replace the outgoing two trustees.

**2.** The term of office of all trustees of the Board holding Termination of office of present members  
office on the 31st day of December, 1952, shall become ter-  
minated on that date.

**3.** Notwithstanding the provisions of *The Separate Schools* Election of trustees by general vote Rev. Stat., c. 356  
*Act*, an election by general vote, by the separate school  
ratepayers of the Town of Timmins for the trustees of the  
Board, shall be held in the year 1952 at the same time and  
place and by the same returning officer or officers and shall be  
conducted in the same manner as the municipal nominations  
and elections in and for the Town of Timmins, and the provi-  
sions of *The Municipal Act* respecting the time and manner of Rev. Stat., c. 243

holding nominations and elections, including the method of receiving nominations for office and the resignations of persons nominated and declarations of qualification of office, shall apply *mutatis mutandis* to such and all subsequent elections.

Vacancies      **4.** Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

Commence-  
ment      **5.** This Act comes into force on the day it receives Royal Assent.

Short title      **6.** This Act may be cited as *The Town of Timmins Separate School Board Act, 1952*.







BILL

An Act respecting the Town of Timmins  
Separate School Board

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. GRUMMETT

*(Private Bill)*



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act respecting the Town of Timmins  
Separate School Board

---

MR. GRUMMETT

---

*(Reprinted as amended by the Committee on Private Bills)*



No. 6

1952

# BILL

## An Act respecting the Town of Timmins Separate School Board

**W**HEREAS the Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the Town of Timmins, hereinafter  
called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth to hold office for the terms hereinafter provided;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1.—(1) The Board shall consist of six trustees, each of Composition  
whom shall continue in office for three years and until his of Board  
successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of  
two of the Board to be determined by vote at the first meeting office  
of the Board after such election shall hold office for one year; of first  
two of the Board to be determined by vote at the first meeting members  
of the Board after such election shall hold office for two years;  
and the other two shall hold office for three years.

(3) At every election after the first, there shall be elected Subsequent  
two trustees to replace the outgoing two trustees. elections

2. The trustees of the Board holding office on the day Present  
this Act comes into force shall continue in office until the members  
31st day of December, 1952, and their terms of office shall  
become terminated on that date.

3. Notwithstanding the provisions of *The Separate Schools* Election  
*Act*, an election by general vote, by the separate school of trustees  
ratepayers of the Town of Timmins for the trustees of the by general  
Board, shall be held in the year 1952 at the same time and vote  
place and by the same returning officer or officers and shall be Rev. Stat.,  
conducted in the same manner as the municipal nominations c. 356  
and elections in and for the Town of Timmins, and the provi-

Rev. Stat.,  
c. 243

sions of *The Municipal Act* respecting the time and manner of holding nominations and elections, including the method of receiving nominations for office and the resignations of persons nominated and declarations of qualification of office, shall apply *mutatis mutandis* to such and all subsequent elections.

Vacancies

4. Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Timmins Separate School Board Act, 1952*.







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## BILL

An Act respecting the Town of Timmins  
Separate School Board

---

*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

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MR. GRUMMETT

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*(Reprinted as amended by the Committee on  
Private Bills)*



No. 6

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act respecting the Town of Timmins  
Separate School Board**

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MR. GRUMMETT

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 6

1952

# BILL

## An Act respecting the Town of Timmins Separate School Board

**W**HEREAS the Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the Town of Timmins, hereinafter  
called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth to hold office for the terms hereinafter provided;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1.—(1) The Board shall consist of six trustees, each of Composition  
whom shall continue in office for three years and until his of Board  
successor has been elected.

(2) Notwithstanding subsection 1, after the first election, Term of  
two of the Board to be determined by vote at the first meeting office  
of the Board after such election shall hold office for one year; of first  
two of the Board to be determined by vote at the first meeting members  
of the Board after such election shall hold office for two years;  
and the other two shall hold office for three years.

(3) At every election after the first, there shall be elected Subsequent  
two trustees to replace the outgoing two trustees. elections

2. The trustees of the Board holding office on the day Present  
this Act comes into force shall continue in office until the members  
31st day of December, 1952, and their terms of office shall  
become terminated on that date.

3. Notwithstanding the provisions of *The Separate Schools* Election  
*Act*, an election by general vote, by the separate school of trustees  
ratepayers of the Town of Timmins for the trustees of the by general  
Board, shall be held in the year 1952 at the same time and vote  
place and by the same returning officer or officers and shall be Rev. Stat.,  
conducted in the same manner as the municipal nominations c. 356  
and elections in and for the Town of Timmins, and the provi-

Rev. Stat.,  
c. 243

sions of *The Municipal Act* respecting the time and manner of holding nominations and elections, including the method of receiving nominations for office and the resignations of persons nominated and declarations of qualification of office, shall apply *mutatis mutandis* to such and all subsequent elections.

Vacancies

4. Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Timmins Separate School Board Act, 1952*.







BILL

An Act respecting the Town of Timmins  
Separate School Board

*1st Reading*

February 28th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

MR. GRUMMETT



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the City of Fort William

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MR. MAPLEDORAM

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(PRIVATE BILL)

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 7

1952

# BILL

## An Act respecting the City of Fort William

**W**HEREAS The Corporation of the City of Fort William Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *An Act to incorporate the City of Fort William* 1907, c. 66, s. 20, amended and for Other Purposes, being chapter 66 of the Statutes of Ontario, 1907, as amended by section 5 of *An Act respecting the City of Fort William*, being chapter 88 of the Statutes of Ontario, 1911, is further amended by striking out the figures "15" in the amendment of 1911 and inserting in lieu thereof the figures "20", so that the section shall read as follows:

20. Every owner of property which is drained into any common sewer, and every owner of property in front of which a sewer is constructed as a local improvement, shall pay a uniform frontage tax of 20 cents per annum per foot frontage of the property so drained, to be assessed on each assessable foot of frontage property so drained for a period of twenty-five years, and the said tax shall be levied and collected in the same manner, and at the same time as ordinary taxes in the said city, but the city treasurer may commute and accept payment down of the amounts. Uniform frontage tax of 20 cents per foot

2.—(1) By-law No. 33 of The Corporation of the Municipality of Neebing passed on the 21st day of July, 1884, as set forth in registered deed No. 597, which is set out in the Schedule hereto and described in subsection 1 of section 3, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof. By-law No. 33 (Neebing) validated

Effect of  
by-law

(2) It is hereby declared that the said By-law No. 33 validly stopped up and closed all highways, streets, parts of streets, the chain reserve, and all road allowances, including Edward Street and Water Street, as shown on the Town Plot of Fort William of record in the Department of Lands and Forests, purported to be stopped up and closed by the said by-law, as of the 21st day of July, 1884.

Idem

(3) It is further declared that all those portions of Water Street as shown on the said Town Plot, and the highway, the allowance for road and the chain reserve along the northerly bank of the Kaministiquia River, reserved in the original survey or shown on the said Town Plot, lying within the following limits:

Commencing at the centre line of Edward Street as shown on the said Town Plot, produced southerly to the original shore line of the northerly bank of the Kaministiquia River and extending easterly to a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly of the westerly limit of Ford Street as shown on the said Town Plot to the said original shore line, and commencing at a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly of the easterly limit of Ford Street to the said original shore line and extending to the Government Reserve for light house, excepting thereout so much thereof as was then crossed by the extension of streets running toward the river and not by the said By-law No. 33 stopped up and closed, and also excepting thereout that portion thereof known as Front Street in the McKellar property not previously granted for railway purposes,

were in fact legally and validly stopped up and closed by the said By-law No. 33 as of the 21st day of July, 1884.

Deed  
No. 597  
validated

3.—(1) The deed dated the 2nd day of November, 1887, made by The Corporation of the Municipality of Neebing, as the Party of the First Part, to the Canadian Pacific Railway Company, as the Party of the Second Part, and registered in the Registry Office for the District of Thunder Bay, now Fort William, on the 24th day of March, 1890, in Book No. 2 for the Town Plot of Fort William as No. 597, in Book No. 2 for the Township of Neebing as No. 458, and in Book No. 2 for the Township of Neebing Additional as No. 292, is hereby validated and made legal and effective for all purposes as and from the 2nd day of November, 1887.

Effect  
of deed

(2) It is hereby declared that the said deed No. 597 granted, conveyed and transferred to and vested in the Canadian Pacific Railway Company as and from the 2nd day of November, 1887, not only all highways, streets, parts of streets, the chain reserve, and all road allowances and pieces of land enumerated, mentioned and described in the said By-law No. 33 and intended therein and in the said deed to be conveyed and transferred to the Canadian Pacific Railway Com-

pany, but also those portions of Edward Street and Water Street as shown on the said Town Plot of Fort William, and the highway, the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, lying within the following limits:

Commencing at the centre line of Edward Street as shown on the said Town Plot, produced southerly to the original shore line of the northerly bank of the Kaministikwia River and extending easterly to a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly of the westerly limit of Ford Street as shown on the said Town Plot to the said original shore line, and commencing at a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly of the easterly limit of Ford Street to the said original shore line and extending to the Government Reserve for light house, excepting thereout so much thereof as was then crossed by the extension of streets running toward the river and not by the said By-law No. 33 stopped up and closed, and also excepting thereout that portion thereof known as Front Street in the McKellar property not previously granted for railway purposes.

4. The said By-law No. 33 shall be considered, deemed and treated for all purposes as having been validly, legally and properly registered in the Registry Office for the District of Thunder Bay, now Fort William, on the 24th day of March, 1890, as a part of and at the same time as the said deed No. 597. Registration  
of by-law  
validated

5. That portion of Francis Street as shown on the said Town Plot of Fort William lying east of Hector Street, now Syndicate Avenue, is hereby stopped up and closed as a public street or highway and is hereby vested in the Canadian Pacific Railway Company, subject to the right from time to time in perpetuity for The Corporation of the City of Fort William to maintain, repair, substitute, enlarge and operate its sewers and watermains now situate thereon, as well as any other utilities of the said City now thereon. Part of  
Francis St.  
closed

6.—(1) The deed dated the 8th day of August, 1906, made by the Canadian Pacific Railway Company to The Corporation of the Town of Fort William, and registered in the Registry Office for the District of Thunder Bay and since transferred to Fort William, in Book No. 15 for Fort William, as No. 7726 for Fort William, is hereby validated and made legal and effective for all purposes as of the 8th day of August, 1906. Deed  
No. 7726  
validated

(2) It is hereby declared that all the lands set out and described in the said deed and purported to be granted and conveyed to The Corporation of the Town of Fort William were in fact legally granted to and vested in The Corporation of the Town of Fort William as of the 8th day of August, 1906. Effect  
of deed



Deed  
No. 7727  
validated

7.—(1) The deed dated the 29th day of November, 1906, made by The Corporation of the Town of Fort William to The Consolidated Elevator Company Limited, registered in the Registry Office for the District of Thunder Bay and since transferred to Fort William, in Book No. 15 for Fort William, as No. 7727 for Fort William, is hereby validated and made legal and effective for all purposes as of the 29th day of November, 1906.

Effect  
of deed

(2) It is hereby declared that all the lands set out and described in the said deed and purported to be granted and conveyed to The Consolidated Elevator Company Limited were in fact legally granted to and vested in The Consolidated Elevator Company Limited as of the 29th day of November, 1906.

By-law  
No. 394  
(Fort  
William)  
validated

8.—(1) By-law No. 394 of The Corporation of the Town of Fort William passed on the 19th day of December, 1905, and registered in the Registry Office for the District of Thunder Bay in Book No. 13 for Fort William on the 20th day of March, 1906, as No. 6432 for Fort William, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 394 validly stopped up and closed as public streets or highways those portions of Pacific Street, Ford Street and Brown Street in the Town (now City) of Fort William as shown on the said Town Plot of Fort William and purporting to be thereby stopped up and closed, and, without being limited by the foregoing, the said By-law No. 394 also validly and legally stopped up and closed all that portion of Ford Street as shown on the said Town Plot lying to the south of a line drawn across Ford Street parallel to and distant 45 feet measured northerly at right angles from the centre line of the Canadian Pacific Railway Company's main line or tracks crossing the said street.

Effect  
of deed  
No. 7742

(3) It is further declared that all the above-described portions of Pacific Street, Ford Street and Brown Street shown on the said Town Plot were legally and validly granted to and vested in the Canadian Pacific Railway Company by deed dated the 30th day of July, 1906, made by The Corporation of the Town of Fort William to the Canadian Pacific Railway Company, the said deed being registered in the Registry Office for the District of Thunder Bay in Book No. 15 for Fort William as No. 7742 for Fort William.

By-law  
No. 435  
(Fort  
William)  
validated

9.—(1) By-law No. 435 of The Corporation of the Town of Fort William passed on the 18th day of December, 1906,

and registered in the Registry Office for the District of Thunder Bay in Book No. 617 as No. 8418 for Fort William, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

(2) It is hereby declared that the said By-law No. 435 <sup>Effect of by-law</sup> legally and validly stopped up and closed not only all that portion of the road allowance, highway and chain reserve or street on the north side of the Kaministikwia River along the edge thereof and called Water Street, as shown on the said Town Plot of Fort William, extending from a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly to the original shore line of the northerly bank of the Kaministikwia River of the west limit of Ford Street to a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly to the said original shore line of the east limit of Ford Street, but also those portions of Water Street, the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, lying between the easterly and westerly limits of the lands above described.

**10.** The deed dated the 1st day of March, 1907, made by <sup>Effect of deed No. 32W</sup> The Corporation of the Town of Fort William to the Canadian Pacific Railway Company, and registered in the Registry Office for the District of Thunder Bay and since transferred to Fort William, in Book No. 1 for Fort William West, as No. 32W, legally and validly granted to and vested in the Canadian Pacific Railway Company not only all that portion of the road allowance, highway and chain reserve or street on the north side of the Kaministikwia River along the edge thereof and called Water Street, as shown on the said Town Plot of Fort William, extending from a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly to the original shore line of the northerly bank of the Kaministikwia River of the west limit of Ford Street to a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly to the said original shore line of the east limit of Ford Street, but also all those portions of Water Street, the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the said original survey or shown on the said Town Plot, lying between the easterly and westerly limits of the lands above described.

**11.—(1)** By-law No. 1321 of The Corporation of the City <sup>By-law No. 1321 (Fort William) validated</sup> of Fort William passed on the 27th day of May, 1913, and registered in the Registry Office for the District of Thunder Bay, now Fort William, as No. 815C for Fort William "C",

is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 1321 validly and legally stopped up and closed not only those portions of Edward Street as shown on the said Town Plot of Fort William, purporting to be thereby stopped up and closed, but also any portion of Water Street, as shown on the said Town Plot, included within the limits of the lands set out and described in the said By-law No. 1321, from the date of the passing thereof.

Effect  
of deed  
No. 933C

**12.** The deed dated the 8th day of July, 1913, made by The Corporation of the City of Fort William to Western Terminal Elevator Company Limited, registered in the Registry Office for the District of Thunder Bay, now Fort William, as No. 933C for Fort William "C", validly and legally granted to and vested in Western Terminal Elevator Company Limited not only those portions of Edward Street therein set out and described and intended therein to be conveyed and transferred, but also any portion of Water Street, as shown on the said Town Plot, included in the description of the lands set out and described in the said deed.

By-law  
No. 391  
(Fort  
William)  
validated

**13.—(1)** By-law No. 391 of The Corporation of the Town of Fort William passed on the 31st day of October, 1905, and registered in the Registry Office for the District of Thunder Bay, now Fort William, as No. 5924 for Fort William, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 391 validly stopped up and closed not only all that portion of Water Street as shown on a plan of the Oliver and Davidson Addition to the Town Site of Fort William, registered in the Registry Office for the District of Fort William as No. 61, but also all those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministiquia River, reserved in the original survey or shown on the said Plan 61, lying between the easterly and westerly limits of Lot 6, Concession 1, in the Town (now City) of Fort William (formerly in the Township of Neebing), produced southerly to the original shore line of the northerly bank of the Kaministiquia River, as and from the date of the passing thereof.

Effect  
of deed  
No. 5901

**14.** The deed dated the 7th day of November, 1905, made by The Corporation of the Town of Fort William to The Grand Trunk Pacific Railway Company, and registered in the Registry Office for the District of Fort William as No. 5901, legally and validly granted to and vested in The Grand



Trunk Pacific Railway Company not only the lands therein set out and described and intended therein to be conveyed and transferred, but also all those portions of Water Street as shown on the said Plan 61, and of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Plan 61, lying between the easterly and westerly limits of Lot 6, Concession 1, in the Town (now City) of Fort William (formerly in the Township of Neebing), produced southerly to the original shore line of the northerly bank of the Kaministikwia River.

**15.**—(1) By-law No. 3807 of The Corporation of the City of Fort William passed on the 25th day of November, 1941, and registered in the Registry Office for the District of Fort William as No. 8868C for Fort William "C", is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof. By-law No. 3807 (Fort William) validated

(2) It is hereby declared that the said By-law No. 3807 validly stopped up and closed from the date of the passing thereof not only those portions of Edward Street and of Water Street as shown on the said Town Plot of Fort William, and that portion of the lane along the northerly limit of Block "Y" as shown on the said Plan 61, purporting to be thereby stopped up and closed, but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, included in the description of the lands set out and described in the said by-law. Effect of by-law

**16.** The deed dated the 28th day of May, 1942, made by The Corporation of the City of Fort William to Western Grain Company Limited, and registered in the Registry Office for the District of Fort William as No. 8889C for Fort William "C", legally and validly granted to and vested in Western Grain Company Limited not only those portions of Edward Street and of Water Street as shown on the said Town Plot of Fort William, and that portion of the lane along the northerly limit of Block "Y" as shown on the said Plan 61 therein set out and described and intended therein to be conveyed and transferred, but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, included in the description of the lands set out and described in the said deed. Effect of deed No. 8889C

**17.**—(1) By-law No. 4289 of The Corporation of the City of Fort William passed on the 14th day of February, 1950, and registered in the Registry Office for the District of Fort William as No. 4289, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof. By-law No. 4289 (Fort William) validated

William as No. 12659C for Fort William "C", is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 4289 from the date of the passing thereof validly stopped up and closed not only those streets and the portion of the said lane lying north of Block "Y" as shown on the said Plan 61 purporting to be thereby stopped up and closed, but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Plan 61, included in the description of the lands set out and described in the said by-law.

Effect  
of deed  
No. 12712C

**18.** The deed dated the 30th day of June, 1950, made by The Corporation of the City of Fort William to Western Grain Company Limited, and registered in the Registry Office for the District of Fort William as No. 12712C for Fort William "C", legally and validly granted to and vested in Western Grain Company Limited not only the lands therein set out and described and intended therein to be conveyed and transferred but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Plan 61, included in the description of the lands set out and described in the said deed.

South limit  
of C.P.R.  
Reserve

**19.** The southerly limit of the Canadian Pacific Railway Reserve between Edward Street and Brown Street as shown on a plan, registered in the Registry Office for the District of Fort William as No. 92, is hereby declared to coincide with the northerly limit of the lane north of Block "Y" as shown on the said Plan 61.

Commence-  
ment

**20.** This Act comes into force on the day it receives Royal Assent.

Short title

**21.** This Act may be cited as *The City of Fort William Act, 1952*.

## SCHEDULE

THIS INDENTURE made (in triplicate) the 2nd day of November, 1887.

IN PURSUANCE OF THE ACT respecting Short Forms of Conveyances.

BETWEEN:

THE CORPORATION OF THE MUNICIPALITY OF NEEBING  
in the District of Thunder Bay,

PARTIES OF THE FIRST PART,

—and—

THE CANADIAN PACIFIC RAILWAY COMPANY,

PARTIES OF THE SECOND PART.

WHEREAS the parties of the First Part did on the twenty-first day of July, A.D. 1884, pass a certain By-law numbered 33 in the words following:

### BY-LAW No. 33

By-law to stop up certain road allowances, highways and streets in the Municipality of Neebing and to sell the same or such parts thereof as adjoin the lands of the Company to the Canadian Pacific Railway Company and also for establishing, opening up and diverting certain highways and streets in lieu of those stopped up.

WHEREAS the Canadian Pacific Railway Company propose to extend the Railway line from the Town Plot of Fort William along the Kaministiquia River to a point in the vicinity of the old Fort on condition that certain highways and streets lying over, along and across the proposed railway line and certain others that will interfere with such extension be stopped up and that certain parts thereof which adjoin the Company's lands be sold to the Company.

AND WHEREAS the Company propose to build docks and other works in said river, which will be beneficial to the Municipality and it is manifestly in the interest of the Municipality and of the owners of property to accept the said proposition.

AND WHEREAS printed notices of the intention of this Council to pass this by-law have been posted up for more than one calendar month previous to the passing thereof in six and more of the most public places in the immediate neighborhood of the highways and streets or portions of the same intended to be stopped up and such notice has also been published weekly for at least four successive weeks before the passing of this by-law in the Weekly Herald published at the Town of Port Arthur and no one has petitioned to be heard against said by-law.

THEREFORE the Council of the Corporation of the Municipality of Neebing enacts as follows:

*First:* The highways, streets and parts of streets hereinafter enumerated and described are hereby declared to be stopped up and closed and the same shall from and after the passing of this by-law cease to be common and public highways and streets, namely:

1. The road allowance highway and chain reserve on the north side of the Kaministiquia River running along the edge thereof and called Water Street, commencing at the centre of Edward Street in the Town Plot of Fort William and extending easterly to within thirty feet of the westerly limit of Ford Street, then commencing at a point thirty feet distant from the easterly limit of said Ford Street to the Government

reserve for Light House—reserving thereout so much thereof as may be crossed by the extension of streets running towards the river and not hereby stopped up and also that part thereof known as Front Street in the McKellar property not heretofore granted for Railway purposes.

2. St. Paul Street from Yonge Street to the Government reserve.
3. Edward Street from a point one chain distant South from Gore Street to the Kaministiquia River.
4. Gore Street from Ford Street to Water Street.
5. Frederica Street from between lots numbers twelve and thirteen to Hector Street.
6. Amelia Street from between lots nine and ten to Hector Street.
7. Spragge Street from Frederica Street to Water Street.
8. Tarborte Street from Frederica Street to Water Street.
9. Rebecca Street from Hector Street to Vicars Street or the street known as the town line between Neebing and McKellars Wards and from Frances to Victor Street on the easterly limit of Hector Street thirty-three feet.
10. Hector Street from Francis Street to Water Street.
11. Chief Street through its entire length.
12. Vicars Street known also as the town line between Neebing and McKellars Street from centre of McKellar's Street to Water Street.
13. The Southerly side of McKellar Street beginning at the Westerly end with a width of thirty-three feet and running diagonally to the easterly end to a point fifty feet from the centre of the line as located.
14. The street marked as the second concession on a plan from the northerly boundary of the Hudson's Bay Company's reserve to the Kaministiquia River.
15. The allowance for road or street extending from Prince Arthur's Landing road to within one chain of lot number seven in concession "H" marked cross road on plan.
16. That angular piece of land within the following limits three hundred and eighty feet more or less from the intersection east side of Ford Street and        feet more or less in a northerly direction from intersection of east side of Ford Street with south side of Gore Street reserving always the right to drainage through above lands at such points as will not be injurious or inconvenient to works of said company.

*Second:* That in consideration of the extension of the said Railway line and of the Docks and other improvements proposed to be built by the Company and of certain lands being granted for highway sixty-six feet wide in a line from Hector Street to Main Street and through the lands of the Hudson Bay Company's property required for highway sixty-six feet wide.

AND in further consideration that the Company will convey to the Municipality their interest in the roadway of the present line of Railway to Prince Arthur's landing so far as the same extends through the Municipality of Neebing so soon as they shall have ceased to use the same and also in further consideration that the Company will build a good and sufficient road within months' after the passing of this By-law of not less than thirty feet wide and properly ditched, grubbed and graded across the lands from McVicars property at a point where the new road to be built by the Municipality through the McVicar property will terminate to the present travelled road to Prince Arthur's landing and not less than two hundred and fifty feet from the line of the Company's Railway.



AND also in consideration of the sum of four thousand dollars paid to the Treasurer of the Municipality all those parts of the said highways, streets and road allowances which adjoin the lands of the Company shall be sold to the Company and the Reeve for the time being shall execute under the Corporate Seal of the said Municipality the necessary and proper conveyance vesting the same in the said Company.

*Third:* That highways and streets of the width of sixty-six feet be established and opened in lieu of those stopped up as follows:

1. The west half of Edward Street from the southerly boundary of the Canadian Pacific Railway Company's lands to Water Street being about forty feet in length.

2. Ford Street from Gore Street to the river saving always the rights of the Company in the docks and works now existing or hereafter to be constructed.

3. A street at some convenient point opposite the Mission Church within three hundred feet either way therefrom.

4. The road from the old Fort to Port Arthur with the privilege of the Company to move the same three hundred feet either up or down.

Given under the hands of the Reeve and the Clerk and the Seal of the Corporation of the Municipality of Neebing this twenty-first day of July, A.D. 1884.

(Sgd.) M. Hayles,  
*Clerk.*

(Sgd.) C. N. BLACK,  
*Reeve.*

NOW THEREFORE in pursuance of the said By-law and in consideration of the moneys and other benefits conferred upon the said Municipality by the parties of the second part the said parties of the first part do grant bargain and sell unto the parties of the second part their successors and assigns the streets, road allowances and pieces of land in said by-law described and intended therein to be conveyed and transferred to the parties of the second part.

TO HAVE AND TO HOLD the same unto the parties of the second part their successors and assigns.

IN WITNESS WHEREOF the said parties of the first part have executed this Deed by Sidney Smith the Reeve and Jno. R. Brown the Clerk of the said Municipality attaching the Corporate Seal hereto and signing their names.

SIGNED, SEALED AND DELIVERED

In presence of

(Sgd.) SHERMAN STEVENS

(Seal)

(Sgd.) SIDNEY SMITH,  
*Reeve.*

(Sgd.) JNO. R. BROWN,  
*Clerk.*

(Seal)





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BILL

An Act respecting the City of  
Fort William

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MAPLEDORAM

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*(Private Bill)*



No. 7

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the City of Fort William

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MR. MAPLEDORAM

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No. 7

1952

# BILL

## An Act respecting the City of Fort William

**W**HEREAS The Corporation of the City of Fort William Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *An Act to incorporate the City of Fort William* 1907, <sup>c. 66, s. 20,</sup> and for Other Purposes, being chapter 66 of the Statutes of amended Ontario, 1907, as amended by section 5 of *An Act respecting the City of Fort William*, being chapter 88 of the Statutes of Ontario, 1911, is further amended by striking out the figures "15" in the amendment of 1911 and inserting in lieu thereof the figures "20", so that the section shall read as follows:

20. Every owner of property which is drained into any common sewer, and every owner of property in front of which a sewer is constructed as a local improvement, shall pay a uniform frontage tax of 20 cents per annum per foot frontage of the property so drained, to be assessed on each assessable foot of frontage property so drained for a period of twenty-five years, and the said tax shall be levied and collected in the same manner, and at the same time as ordinary taxes in the said city, but the city treasurer may commute and accept payment down of the amounts.

2.—(1) By-law No. 33 of The Corporation of the Municipality of Neebing passed on the 21st day of July, 1884, as set forth in registered deed No. 597, which is set out in the Schedule hereto and described in subsection 1 of section 3, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

By-law  
No. 33  
(Neebing)  
validated

Effect of  
by-law

(2) It is hereby declared that the said By-law No. 33 validly stopped up and closed all highways, streets, parts of streets, the chain reserve, and all road allowances, including Edward Street and Water Street, as shown on the Town Plot of Fort William of record in the Department of Lands and Forests, purported to be stopped up and closed by the said by-law, as of the 21st day of July, 1884.

Idem

(3) It is further declared that all those portions of Water Street as shown on the said Town Plot, and the highway, the allowance for road and the chain reserve along the northerly bank of the Kaministiquia River, reserved in the original survey or shown on the said Town Plot, lying within the following limits:

Commencing at the centre line of Edward Street as shown on the said Town Plot, produced southerly to the original shore line of the northerly bank of the Kaministiquia River and extending easterly to a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly of the westerly limit of Ford Street as shown on the said Town Plot to the said original shore line, and commencing at a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly of the easterly limit of Ford Street to the said original shore line and extending to the Government Reserve for light house, excepting thereout so much thereof as was then crossed by the extension of streets running toward the river and not by the said By-law No. 33 stopped up and closed, and also excepting thereout that portion thereof known as Front Street in the McKellar property not previously granted for railway purposes,

were in fact legally and validly stopped up and closed by the said By-law No. 33 as of the 21st day of July, 1884.

Deed  
No. 597  
validated

3.—(1) The deed dated the 2nd day of November, 1887, made by The Corporation of the Municipality of Neebing, as the Party of the First Part, to the Canadian Pacific Railway Company, as the Party of the Second Part, and registered in the Registry Office for the District of Thunder Bay, now Fort William, on the 24th day of March, 1890, in Book No. 2 for the Town Plot of Fort William as No. 597, in Book No. 2 for the Township of Neebing as No. 458, and in Book No. 2 for the Township of Neebing Additional as No. 292, is hereby validated and made legal and effective for all purposes as and from the 2nd day of November, 1887.

Effect  
of deed

(2) It is hereby declared that the said deed No. 597 granted, conveyed and transferred to and vested in the Canadian Pacific Railway Company as and from the 2nd day of November, 1887, not only all highways, streets, parts of streets, the chain reserve, and all road allowances and pieces of land enumerated, mentioned and described in the said By-law No. 33 and intended therein and in the said deed to be conveyed and transferred to the Canadian Pacific Railway Com-

pany, but also those portions of Edward Street and Water Street as shown on the said Town Plot of Fort William, and the highway, the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, lying within the following limits:

Commencing at the centre line of Edward Street as shown on the said Town Plot, produced southerly to the original shore line of the northerly bank of the Kaministikwia River and extending easterly to a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly of the westerly limit of Ford Street as shown on the said Town Plot to the said original shore line, and commencing at a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly of the easterly limit of Ford Street to the said original shore line and extending to the Government Reserve for light house, excepting thereout so much thereof as was then crossed by the extension of streets running toward the river and not by the said By-law No. 33 stopped up and closed, and also excepting thereout that portion thereof known as Front Street in the McKellar property not previously granted for railway purposes.

4. The said By-law No. 33 shall be considered, deemed and treated for all purposes as having been validly, legally and properly registered in the Registry Office for the District of Thunder Bay, now Fort William, on the 24th day of March, 1890, as a part of and at the same time as the said deed No. 597. Registration  
of by-law  
validated

5. That portion of Francis Street as shown on the said Town Plot of Fort William lying east of Hector Street, now Syndicate Avenue, is hereby stopped up and closed as a public street or highway and is hereby vested in the Canadian Pacific Railway Company, subject to the right from time to time in perpetuity for The Corporation of the City of Fort William to maintain, repair, substitute, enlarge and operate its sewers and watermains now situate thereon, as well as any other utilities of the said City now thereon. Part of  
Francis St.  
closed

6.—(1) The deed dated the 8th day of August, 1906, made by the Canadian Pacific Railway Company to The Corporation of the Town of Fort William, and registered in the Registry Office for the District of Thunder Bay and since transferred to Fort William, in Book No. 15 for Fort William, as No. 7726 for Fort William, is hereby validated and made legal and effective for all purposes as of the 8th day of August, 1906. Deed  
No. 7726  
validated

(2) It is hereby declared that all the lands set out and described in the said deed and purported to be granted and conveyed to The Corporation of the Town of Fort William were in fact legally granted to and vested in The Corporation of the Town of Fort William as of the 8th day of August, 1906. Effect  
of deed



Deed  
No. 7727  
validated

7.—(1) The deed dated the 29th day of November, 1906, made by The Corporation of the Town of Fort William to The Consolidated Elevator Company Limited, registered in the Registry Office for the District of Thunder Bay and since transferred to Fort William, in Book No. 15 for Fort William, as No. 7727 for Fort William, is hereby validated and made legal and effective for all purposes as of the 29th day of November, 1906.

Effect  
of deed

(2) It is hereby declared that all the lands set out and described in the said deed and purported to be granted and conveyed to The Consolidated Elevator Company Limited were in fact legally granted to and vested in The Consolidated Elevator Company Limited as of the 29th day of November, 1906.

By-law  
No. 394  
(Fort  
William)  
validated

8.—(1) By-law No. 394 of The Corporation of the Town of Fort William passed on the 19th day of December, 1905, and registered in the Registry Office for the District of Thunder Bay in Book No. 13 for Fort William on the 20th day of March, 1906, as No. 6432 for Fort William, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 394 validly stopped up and closed as public streets or highways those portions of Pacific Street, Ford Street and Brown Street in the Town (now City) of Fort William as shown on the said Town Plot of Fort William and purporting to be thereby stopped up and closed, and, without being limited by the foregoing, the said By-law No. 394 also validly and legally stopped up and closed all that portion of Ford Street as shown on the said Town Plot lying to the south of a line drawn across Ford Street parallel to and distant 45 feet measured northerly at right angles from the centre line of the Canadian Pacific Railway Company's main line or tracks crossing the said street.

Effect  
of deed  
No. 7742

(3) It is further declared that all the above-described portions of Pacific Street, Ford Street and Brown Street shown on the said Town Plot were legally and validly granted to and vested in the Canadian Pacific Railway Company by deed dated the 30th day of July, 1906, made by The Corporation of the Town of Fort William to the Canadian Pacific Railway Company, the said deed being registered in the Registry Office for the District of Thunder Bay in Book No. 15 for Fort William as No. 7742 for Fort William.

By-law  
No. 435  
(Fort  
William)  
validated

9.—(1) By-law No. 435 of The Corporation of the Town of Fort William passed on the 18th day of December, 1906,

and registered in the Registry Office for the District of Thunder Bay in Book No. 617 as No. 8418 for Fort William, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

(2) It is hereby declared that the said By-law No. 435 <sup>Effect of by-law</sup> legally and validly stopped up and closed not only all that portion of the road allowance, highway and chain reserve or street on the north side of the Kaministikwia River along the edge thereof and called Water Street, as shown on the said Town Plot of Fort William, extending from a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly to the original shore line of the northerly bank of the Kaministikwia River of the west limit of Ford Street to a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly to the said original shore line of the east limit of Ford Street, but also those portions of Water Street, the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, lying between the easterly and westerly limits of the lands above described.

**10.** The deed dated the 1st day of March, 1907, made by <sup>Effect of deed No. 32W</sup> The Corporation of the Town of Fort William to the Canadian Pacific Railway Company, and registered in the Registry Office for the District of Thunder Bay and since transferred to Fort William, in Book No. 1 for Fort William West, as No. 32W, legally and validly granted to and vested in the Canadian Pacific Railway Company not only all that portion of the road allowance, highway and chain reserve or street on the north side of the Kaministikwia River along the edge thereof and called Water Street, as shown on the said Town Plot of Fort William, extending from a line drawn parallel to and 30 feet distant at right angles westerly from the production southerly to the original shore line of the northerly bank of the Kaministikwia River of the west limit of Ford Street to a line drawn parallel to and 30 feet distant at right angles easterly from the production southerly to the said original shore line of the east limit of Ford Street, but also all those portions of Water Street, the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the said original survey or shown on the said Town Plot, lying between the easterly and westerly limits of the lands above described.

**11.—(1)** By-law No. 1321 of The Corporation of the City <sup>By-law No. 1321 (Fort William) validated</sup> of Fort William passed on the 27th day of May, 1913, and registered in the Registry Office for the District of Thunder Bay, now Fort William, as No. 815C for Fort William "C",

is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 1321 validly and legally stopped up and closed not only those portions of Edward Street as shown on the said Town Plot of Fort William, purporting to be thereby stopped up and closed, but also any portion of Water Street, as shown on the said Town Plot, included within the limits of the lands set out and described in the said By-law No. 1321, from the date of the passing thereof.

Effect  
of deed  
No. 933C

**12.** The deed dated the 8th day of July, 1913, made by The Corporation of the City of Fort William to Western Terminal Elevator Company Limited, registered in the Registry Office for the District of Thunder Bay, now Fort William, as No. 933C for Fort William "C", validly and legally granted to and vested in Western Terminal Elevator Company Limited not only those portions of Edward Street therein set out and described and intended therein to be conveyed and transferred, but also any portion of Water Street, as shown on the said Town Plot, included in the description of the lands set out and described in the said deed.

By-law  
No. 391  
(Fort  
William)  
validated

**13.—**(1) By-law No. 391 of The Corporation of the Town of Fort William passed on the 31st day of October, 1905, and registered in the Registry Office for the District of Thunder Bay, now Fort William, as No. 5924 for Fort William, is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 391 validly stopped up and closed not only all that portion of Water Street as shown on a plan of the Oliver and Davidson Addition to the Town Site of Fort William, registered in the Registry Office for the District of Fort William as No. 61, but also all those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministiquia River, reserved in the original survey or shown on the said Plan 61, lying between the easterly and westerly limits of Lot 6, Concession 1, in the Town (now City) of Fort William (formerly in the Township of Neebing), produced southerly to the original shore line of the northerly bank of the Kaministiquia River, as and from the date of the passing thereof.

Effect  
of deed  
No. 5901

**14.** The deed dated the 7th day of November, 1905, made by The Corporation of the Town of Fort William to The Grand Trunk Pacific Railway Company, and registered in the Registry Office for the District of Fort William as No. 5901, legally and validly granted to and vested in The Grand



Trunk Pacific Railway Company not only the lands therein set out and described and intended therein to be conveyed and transferred, but also all those portions of Water Street as shown on the said Plan 61, and of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Plan 61, lying between the easterly and westerly limits of Lot 6, Concession 1, in the Town (now City) of Fort William (formerly in the Township of Neebing), produced southerly to the original shore line of the northerly bank of the Kaministikwia River.

**15.**—(1) By-law No. 3807 of The Corporation of the City of Fort William passed on the 25th day of November, 1941, and registered in the Registry Office for the District of Fort William as No. 8868C for Fort William "C", is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof. By-law No. 3807 (Fort William) validated

(2) It is hereby declared that the said By-law No. 3807 validly stopped up and closed from the date of the passing thereof not only those portions of Edward Street and of Water Street as shown on the said Town Plot of Fort William, and that portion of the lane along the northerly limit of Block "Y" as shown on the said Plan 61, purporting to be thereby stopped up and closed, but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, included in the description of the lands set out and described in the said by-law. Effect of by-law

**16.** The deed dated the 28th day of May, 1942, made by The Corporation of the City of Fort William to Western Grain Company Limited, and registered in the Registry Office for the District of Fort William as No. 8889C for Fort William "C", legally and validly granted to and vested in Western Grain Company Limited not only those portions of Edward Street and of Water Street as shown on the said Town Plot of Fort William, and that portion of the lane along the northerly limit of Block "Y" as shown on the said Plan 61 therein set out and described and intended therein to be conveyed and transferred, but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Town Plot, included in the description of the lands set out and described in the said deed. Effect of deed No. 8889C

**17.**—(1) By-law No. 4289 of The Corporation of the City of Fort William passed on the 14th day of February, 1950, and registered in the Registry Office for the District of Fort By-law No. 4289 (Fort William) validated

William as No. 12659C for Fort William "C", is hereby validated and made legal and effective for all purposes as and from the date of the passing thereof.

Effect  
of by-law

(2) It is hereby declared that the said By-law No. 4289 from the date of the passing thereof validly stopped up and closed not only those streets and the portion of the said lane lying north of Block "Y" as shown on the said Plan 61 purporting to be thereby stopped up and closed, but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Plan 61, included in the description of the lands set out and described in the said by-law.

Effect  
of deed  
No. 12712C

**18.** The deed dated the 30th day of June, 1950, made by The Corporation of the City of Fort William to Western Grain Company Limited, and registered in the Registry Office for the District of Fort William as No. 12712C for Fort William "C", legally and validly granted to and vested in Western Grain Company Limited not only the lands therein set out and described and intended therein to be conveyed and transferred but also those portions of the allowance for road and the chain reserve along the northerly bank of the Kaministikwia River, reserved in the original survey or shown on the said Plan 61, included in the description of the lands set out and described in the said deed.

South limit  
of C.P.R.  
Reserve

**19.** The southerly limit of the Canadian Pacific Railway Reserve between Edward Street and Brown Street as shown on a plan, registered in the Registry Office for the District of Fort William as No. 92, is hereby declared to coincide with the northerly limit of the lane north of Block "Y" as shown on the said Plan 61.

Commence-  
ment

**20.** This Act comes into force on the day it receives Royal Assent.

Short title

**21.** This Act may be cited as *The City of Fort William Act, 1952*.

## SCHEDULE

THIS INDENTURE made (in triplicate) the 2nd day of November, 1887.

IN PURSUANCE OF THE ACT respecting Short Forms of Conveyances.

BETWEEN:

THE CORPORATION OF THE MUNICIPALITY OF NEEBING  
in the District of Thunder Bay,

PARTIES OF THE FIRST PART,

—and—

THE CANADIAN PACIFIC RAILWAY COMPANY,

PARTIES OF THE SECOND PART.

WHEREAS the parties of the First Part did on the twenty-first day of July, A.D. 1884, pass a certain By-law numbered 33 in the words following:

### BY-LAW NO. 33

By-law to stop up certain road allowances, highways and streets in the Municipality of Neebing and to sell the same or such parts thereof as adjoin the lands of the Company to the Canadian Pacific Railway Company and also for establishing, opening up and diverting certain highways and streets in lieu of those stopped up.

WHEREAS the Canadian Pacific Railway Company propose to extend the Railway line from the Town Plot of Fort William along the Kaministiquia River to a point in the vicinity of the old Fort on condition that certain highways and streets lying over, along and across the proposed railway line and certain others that will interfere with such extension be stopped up and that certain parts thereof which adjoin the Company's lands be sold to the Company.

AND WHEREAS the Company propose to build docks and other works in said river, which will be beneficial to the Municipality and it is manifestly in the interest of the Municipality and of the owners of property to accept the said proposition.

AND WHEREAS printed notices of the intention of this Council to pass this by-law have been posted up for more than one calendar month previous to the passing thereof in six and more of the most public places in the immediate neighborhood of the highways and streets or portions of the same intended to be stopped up and such notice has also been published weekly for at least four successive weeks before the passing of this by-law in the Weekly Herald published at the Town of Port Arthur and no one has petitioned to be heard against said by-law.

THEREFORE the Council of the Corporation of the Municipality of Neebing enacts as follows:

*First:* The highways, streets and parts of streets hereinafter enumerated and described are hereby declared to be stopped up and closed and the same shall from and after the passing of this by-law cease to be common and public highways and streets, namely:

1. The road allowance highway and chain reserve on the north side of the Kaministiquia River running along the edge thereof and called Water Street, commencing at the centre of Edward Street in the Town Plot of Fort William and extending easterly to within thirty feet of the westerly limit of Ford Street, then commencing at a point thirty feet distant from the easterly limit of said Ford Street to the Government



reserve for Light House—reserving thereout so much thereof as may be crossed by the extension of streets running towards the river and not hereby stopped up and also that part thereof known as Front Street in the McKellar property not heretofore granted for Railway purposes.

2. St. Paul Street from Yonge Street to the Government reserve.
3. Edward Street from a point one chain distant South from Gore Street to the Kaministiquia River.
4. Gore Street from Ford Street to Water Street.
5. Frederica Street from between lots numbers twelve and thirteen to Hector Street.
6. Amelia Street from between lots nine and ten to Hector Street.
7. Spragge Street from Frederica Street to Water Street.
8. Tarborte Street from Frederica Street to Water Street.
9. Rebecca Street from Hector Street to Vicars Street or the street known as the town line between Neebing and McKellars Wards and from Frances to Victor Street on the easterly limit of Hector Street thirty-three feet.
10. Hector Street from Francis Street to Water Street.
11. Chief Street through its entire length.
12. Vicars Street known also as the town line between Neebing and McKellars Street from centre of McKellar's Street to Water Street.
13. The Southerly side of McKellar Street beginning at the Westerly end with a width of thirty-three feet and running diagonally to the easterly end to a point fifty feet from the centre of the line as located.
14. The street marked as the second concession on a plan from the northerly boundary of the Hudson's Bay Company's reserve to the Kaministiquia River.
15. The allowance for road or street extending from Prince Arthur's Landing road to within one chain of lot number seven in concession "H" marked cross road on plan.
16. That angular piece of land within the following limits three hundred and eighty feet more or less from the intersection east side of Ford Street and        feet more or less in a northerly direction from intersection of east side of Ford Street with south side of Gore Street reserving always the right to drainage through above lands at such points as will not be injurious or inconvenient to works of said company.

*Second:* That in consideration of the extension of the said Railway line and of the Docks and other improvements proposed to be built by the Company and of certain lands being granted for highway sixty-six feet wide in a line from Hector Street to Main Street and through the lands of the Hudson Bay Company's property required for highway sixty-six feet wide.

AND in further consideration that the Company will convey to the Municipality their interest in the roadway of the present line of Railway to Prince Arthur's landing so far as the same extends through the Municipality of Neebing so soon as they shall have ceased to use the same and also in further consideration that the Company will build a good and sufficient road within months' after the passing of this By-law of not less than thirty feet wide and properly ditched, grubbed and graded across the lands from McVicar's property at a point where the new road to be built by the Municipality through the McVicar property will terminate to the present travelled road to Prince Arthur's landing and not less than two hundred and fifty feet from the line of the Company's Railway.

AND also in consideration of the sum of four thousand dollars paid to the Treasurer of the Municipality all those parts of the said highways, streets and road allowances which adjoin the lands of the Company shall be sold to the Company and the Reeve for the time being shall execute under the Corporate Seal of the said Municipality the necessary and proper conveyance vesting the same in the said Company.

*Third:* That highways and streets of the width of sixty-six feet be established and opened in lieu of those stopped up as follows:

1. The west half of Edward Street from the southerly boundary of the Canadian Pacific Railway Company's lands to Water Street being about forty feet in length.

2. Ford Street from Gore Street to the river saving always the rights of the Company in the docks and works now existing or hereafter to be constructed.

3. A street at some convenient point opposite the Mission Church within three hundred feet either way therefrom.

4. The road from the old Fort to Port Arthur with the privilege of the Company to move the same three hundred feet either up or down.

Given under the hands of the Reeve and the Clerk and the Seal of the Corporation of the Municipality of Neebing this twenty-first day of July, A.D. 1884.

(Sgd.) M. Hayles,  
*Clerk.*

(Sgd.) C. N. BLACK,  
*Reeve.*

NOW THEREFORE in pursuance of the said By-law and in consideration of the moneys and other benefits conferred upon the said Municipality by the parties of the second part the said parties of the first part do grant bargain and sell unto the parties of the second part their successors and assigns the streets, road allowances and pieces of land in said by-law described and intended therein to be conveyed and transferred to the parties of the second part.

TO HAVE AND TO HOLD the same unto the parties of the second part their successors and assigns.

IN WITNESS WHEREOF the said parties of the first part have executed this Deed by Sidney Smith the Reeve and Jno. R. Brown the Clerk of the said Municipality attaching the Corporate Seal hereto and signing their names.

SIGNED, SEALED AND DELIVERED

In presence of

(Sgd.) SHERMAN STEVENS

(Seal)

(Sgd.) SIDNEY SMITH,  
*Reeve.*

(Sgd.) JNO. R. BROWN,  
*Clerk.*

(Seal)





BILL

An Act respecting the City of  
Fort William

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*1st Reading*

March 4th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

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MR. MAPLEDORAM

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**

**An Act respecting J. L. Thompson  
Supply Limited**

---

MR. PARRY

---

(PRIVATE BILL)



No. 8

1952

# BILL

## An Act respecting J. L. Thompson Supply Limited

**W**HEREAS J. L. Thompson Supply Limited, a company Preamble  
incorporated in 1948 under *The Companies Act*, by Rev. Stat.,  
its petition has represented that a part of the property occupied c. 59  
by the Company and its predecessors in title for not less than  
fifty years past, appears upon Plan 257 for the Town of  
Wallaceburg, as part of "The Old Cemetery", and has prayed  
for special legislation to vest the same in the Company in  
fee simple; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The lands composed of that part of "The Old Cemetery" <sup>Land vested  
in Company</sup>  
as shown on Plan 257 of a part of the Town of Wallaceburg,  
which lies to the west of Water Street in the Town, more  
particularly described as:

Commencing at the south-east angle of Lot 96, Plan 257 for the  
Town of Wallaceburg; Thence east along the north limit of Park  
Street to the west limit of Water Street, as established by By-law  
No. 1742 of the Town of Wallaceburg; Thence northerly and along  
the said west limit of Water Street, 132 feet; Thence easterly  
and parallel to Park Street to a point in the east limit of Lot 94,  
Plan 257; Thence southerly and along the east limits of Lots 94,  
95 and 96, Plan 257, 132 feet to the place of beginning,

is hereby vested in J. L. Thompson Supply Limited in fee  
simple.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**3.** This Act may be cited as *The J. L. Thompson Supply* <sup>Short title</sup>  
*Limited Act, 1952.*

BILL

An Act respecting J. L. Thompson  
Supply Limited

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. PARRY

---

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

**An Act respecting J. L. Thompson  
Supply Limited**

---

MR. PARRY

---



No. 8

1952

# BILL

## An Act respecting J. L. Thompson Supply Limited

**W**HEREAS J. L. Thompson Supply Limited, a company <sup>Preamble</sup> incorporated in 1948 under *The Companies Act*, by <sup>Rev. Stat., c. 59</sup> its petition has represented that a part of the property occupied by the Company and its predecessors in title for not less than fifty years past, appears upon Plan 257 for the Town of Wallaceburg, as part of "The Old Cemetery", and has prayed for special legislation to vest the same in the Company in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands composed of that part of "The Old Cemetery" <sup>Land vested in Company</sup> as shown on Plan 257 of a part of the Town of Wallaceburg, which lies to the west of Water Street in the Town, more particularly described as:

Commencing at the south-east angle of Lot 96, Plan 257 for the Town of Wallaceburg; Thence east along the north limit of Park Street to the west limit of Water Street, as established by By-law No. 1742 of the Town of Wallaceburg; Thence northerly and along the said west limit of Water Street, 132 feet; Thence easterly and parallel to Park Street to a point in the east limit of Lot 94, Plan 257; Thence southerly and along the east limits of Lots 94, 95 and 96, Plan 257, 132 feet to the place of beginning,

is hereby vested in J. L. Thompson Supply Limited in fee simple.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The J. L. Thompson Supply* <sup>Short title</sup> *Limited Act, 1952.*

BILL

An Act respecting J. L. Thompson  
Supply Limited

---

*1st Reading*

March 6th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

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MR. PARRY

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Synagogue and  
Jewish Community Centre of Ottawa

---

MR. MORROW

---

(PRIVATE BILL)



# BILL

## An Act respecting the Synagogue and Jewish Community Centre of Ottawa

**W**HEREAS the Synagogue and Jewish Community Centre of Ottawa, a corporation incorporated under *The Companies Act*, by its petition has represented that it is composed of a Synagogue and facilities for educational and recreational community activities for the Jewish people and, more particularly, the younger Jewish people of Ottawa, and has prayed that an Act be passed to provide that its buildings, lands, equipment and undertaking be exempt from taxation except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Preamble  
Rev. Stat.,  
c. 59

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The buildings, lands, equipment and undertaking of the Synagogue and Jewish Community Centre of Ottawa, so long as they are occupied by, used and carried on for the purposes of the Centre, shall be exempt from taxation except for local improvements.

Tax  
exemption

2. This Act may be cited as *The Synagogue and Jewish Community Centre of Ottawa Act, 1952*.

Short title

BILL

An Act respecting the Synagogue and  
Jewish Community Centre of Ottawa

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORROW

---

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

**An Act respecting the Synagogue and  
Jewish Community Centre of Ottawa**

---

MR. MORROW

---

*(Reprinted as amended by the Committee on Private Bills)*



No. 11

1952

# BILL

## An Act respecting the Synagogue and Jewish Community Centre of Ottawa

**W**HEREAS the Synagogue and Jewish Community Centre of Ottawa, a corporation incorporated under *The Companies Act*, by its petition has represented that it is composed of a Synagogue and facilities for educational and recreational community activities for the Jewish people and, more particularly, the younger Jewish people of Ottawa, and has prayed that an Act be passed to provide for exemption from taxation, by municipal by-law, for all purposes except for local improvements; and whereas it is expedient to grant the prayer of the section;

Preamble  
Rev. Stat.,  
c. 59

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the City of Ottawa may pass by-laws exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Synagogue and Jewish Community Centre of Ottawa in the City of Ottawa, provided that the land is owned by the Centre and occupied by, used solely and carried on for the purposes of the Centre, on such conditions as may be set out in the by-law.

Tax  
exemption  
Rev. Stat.,  
c. 24

2. This Act may be cited as *The Synagogue and Jewish Community Centre of Ottawa Act, 1952*.

Short title

## BILL

An Act respecting the Synagogue and  
Jewish Community Centre of Ottawa

---

*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

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MR. MORROW

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*(Reprinted as amended by the Committee on  
Private Bills)*

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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---

# BILL

An Act respecting the Synagogue and  
Jewish Community Centre of Ottawa

---

MR. MORROW

---



No. 11

1952

# BILL

## An Act respecting the Synagogue and Jewish Community Centre of Ottawa

**W**HEREAS the Synagogue and Jewish Community Centre of Ottawa, a corporation incorporated under *The Companies Act*, by its petition has represented that it is composed of a Synagogue and facilities for educational and recreational community activities for the Jewish people and, more particularly, the younger Jewish people of Ottawa, and has prayed that an Act be passed to provide for exemption from taxation, by municipal by-law, for all purposes except for local improvements; and whereas it is expedient to grant the prayer of the section;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the City of Ottawa may pass by-laws exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Synagogue and Jewish Community Centre of Ottawa in the City of Ottawa, provided that the land is owned by the Centre and occupied by, used solely and carried on for the purposes of the Centre, on such conditions as may be set out in the by-law.

**2.** This Act may be cited as *The Synagogue and Jewish Community Centre of Ottawa Act, 1952*.

BILL

An Act respecting the Synagogue and  
Jewish Community Centre of Ottawa

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*1st Reading*

February 28th, 1952

*2nd Reading*

March 24th, 1952

*3rd Reading*

March 27th, 1952

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MR. MORROW

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No. 12

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of London**

---

MR. ROBARTS

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) Notwithstanding any of the provisions of *The Gratuities  
Municipal Act*, the council of The Corporation of the City Rev. Stat.,  
c. 243  
of London is authorized and empowered,

- (a) to pass a by-law or by-laws, with the approval of the Department of Municipal Affairs, to provide and pay to any person who is now or had been since the 1st day of January, 1947, a nemployee of the Corporation, as defined by clause *a* of paragraph 48 of section 386 of *The Municipal Act*, and who at the date of retirement has or had less than twenty years service with the Corporation, an annual gratuity of \$15 for each year of service of the employee with the Corporation prior to the 1st day of January, 1948, periods of less than a full year being pro-rated, the said gratuities to be payable during the lifetime of the employee and for such term certain not exceeding five years, and upon such terms and conditions as the council of the Corporation may determine; and
- (b) to pass by-laws to levy and set aside in each year such moneys as are required to provide sufficiently for the payment of the said gratuities as they become due, and to invest and reinvest so much of the said moneys so levied as are not required immediately for the said purposes.

(2) No part of the said funds so raised, or the income there- Use of  
funds  
from, shall be used for any other purpose than the payment of

the said gratuities unless the Department of Municipal Affairs certifies that any portion of such fund, or the income therefrom, is no longer required for the said purposes, and in such event the same, or so much thereof as is so certified, shall be placed in the general funds of the Corporation.

Use of  
poles and  
wires

2. The council of the Corporation may pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon highways and lanes within the limits of the Corporation of poles and wires, or the placing and maintenance of wires upon existing poles for the purpose of transmitting electrical or electronic impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes, or parts thereof, or television programmes, or parts thereof.

Market  
Square

3.—(1) The council of the Corporation is authorized and empowered to pass by-laws for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or licence fee, as to the council may appear proper, provided no term of rental or licence shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for

Rev. Stat.,  
c. 243



infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;

Rev. Stat.,  
c. 243

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper.

(2) When such uses, or any of them, are so established upon the Market Square they shall, for all purposes, be deemed to be the operation of a public market. Idem

4. Sections 6 and 7 of *The City of London Act, 1951* are repealed and the following substituted therefor:

1951,  
c. 107,  
ss. 6, 7,  
re-enacted

- 6.—(1) With the intent that the transportation system shall be entirely self-sustaining, the Commission shall so regulate and fix all tolls and fares for the carriage of passengers that a revenue shall be produced which, together with the application of an appropriate part of any fare stabilization reserve, shall be in each year sufficient to provide the cost of operating the transportation system and works and equipment used in connection therewith, including interest charges upon moneys raised by the Commission, the cost of repair, the maintenance and upkeep of such system and all buildings and equipment used in connection therewith, the cost of making such renewals and replacements as are properly chargeable to revenue, the cost of insurance against fire, public liability and property damage, the setting up of proper reserves and depreciation accounts, including reserves for stabilization of fare structure, such sums as are required to pay to the Corporation the interest at the rate provided in section 7 upon all moneys provided by the Corporation for the acquisition of or for any of the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and for all steps and formalities preceding such acquisition and incidental to acquiring a transportation system, until all such moneys have been repaid to

Commission  
to be self-  
sustaining

the Corporation, such sums as are required to pay such amounts as may be agreed to be paid pursuant to clause *f* of section 4, such sums as are required to pay audit charges and such remuneration of commissioners as may be provided by by-law of the Council.

Payments  
in 1952 to  
Corporation

- (2) The Commission also shall provide from fares, and pay to the Corporation not later than the 31st day of December, 1952, the amount of moneys expended in any way for the acquisition of such transportation system, and for all steps and formalities preceding such acquisition and incidental to acquiring such system, which has not been provided by the issue of debentures.

Liability

- (3) Failure to produce such revenue shall not impose any personal liability upon any commissioner.

Capital  
charges

- 7.—(1) All moneys expended by the Corporation for the acquisition of or for any of the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and for all steps and formalities preceding such acquisition and incidental to acquiring a transportation system, shall be set up upon the books of the Commission in the amount certified by the Corporation as a capital charge and debt due to the Corporation.

Interest  
payments

- (2) The Commission shall, on or before the 31st day of December in each year, pay to the Corporation interest upon such charge and debt at a rate from time to time fixed by the Council until such charge or debt has been repaid to the Corporation in full.

Interest  
rate

- (3) The rate shall be that required to pay the interest on outstanding debentures issued for the said purposes, and after the same are retired the rate shall be in each year the average current debenture borrowing rate of the Corporation.

Surplus

- (4) The Commission shall pay to the Corporation in each year the surplus in the hands of the Commission by which the revenues in such year exceed the amounts required to be provided for in such year under section 6.

Idem

- (5) Such surplus shall be paid to the Corporation upon the completion of the audit of the books of the Commission for such year and when so paid shall be applied by the Corporation in reduction of such charge or debt.

5. The deed made by The University of Western Ontario to The Corporation of the City of London, dated the 31st day of March, 1951, and registered on the 19th day of April, 1951, in the Registry Office for the Registry Division of the City of London as No. 55941 for the East Division of the City of London, is declared to be legal, valid and binding and to vest the lands therein described in The Corporation of the City of London. Deed validated

6. The Corporation is authorized and empowered to set up a fund with the excess of receipts from parking meters over all expenses and disbursements in connection therewith, and to use the same, or so much thereof as may be required, from time to time, for the purchase or lease of lands and premises for the parking of vehicles, for the improvement of traffic conditions, for the widening or extension of streets or for the widening of pavements on streets within the City of London. Parking meter fund

7. The council of the Corporation is authorized and empowered and shall be deemed to have had power to pass by-laws for authorizing any person to lay, use or maintain pipes or conduits for the transmission of oxygen or other non-inflammable gas or liquid along, under, in or upon highways or land owned by the municipality, and for making such annual or other charge for the privilege conferred as to the council may seem reasonable, and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon, and such annual or other charge and any expense incurred by the Corporation in restoring the highway to its former condition shall be payable, and payment may be enforced, in like manner as taxes upon any lands to which such by-law or agreement may refer. Laying of pipes for oxygen, etc.

8. The council of the Corporation is authorized and empowered to pass by-laws regulating the placing of signs upon street allowances and for making an annual or other charge for the privilege conferred and for entering into agreements with persons for such purposes, and such annual or other charge and any expenses incurred by the Corporation in restoring the highway to its former condition shall be payable, and payment may be enforced in like manner as taxes upon any lands to which such by-law or agreement may refer. Signs on street allowances

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The City of London Act*, 1952. Short title

BILL

An Act respecting the City of London

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ROBARTS

---

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of London**

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MR. ROBARTS

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*(Reprinted as amended by the Committee on Private Bills)*





# BILL

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any of the provisions of *The Municipal Act*, the council of The Corporation of the City of London is authorized and empowered, *The Gratuities Rev. Stat., c. 243*

(a) to pass a by-law or by-laws, with the approval of the Department of Municipal Affairs, to provide and pay to any person who is now or had been since the 1st day of January, 1947, an employee of the Corporation, as defined by clause *a* of paragraph 48 of section 386 of *The Municipal Act*, and who at the date of retirement has or had less than twenty years service with the Corporation and for whom a pension has not been otherwise provided by the Corporation, an annual gratuity of \$15 for each year of service of the employee with the Corporation prior to the 1st day of January, 1948, periods of less than a full year being pro-rated, the said gratuities to be payable during the lifetime of the employee and for such term certain not exceeding five years, and upon such terms and conditions as the council of the Corporation may determine; and

(b) to pass by-laws to levy and set aside in each year such moneys as are required to provide sufficiently for the payment of the said gratuities as they become due, and to invest and reinvest so much of the said moneys so levied as are not required immediately for the said purposes.

(2) No part of the said funds so raised, or the income therefrom, shall be used for any other purpose than the payment of Use of funds

the said gratuities unless the Department of Municipal Affairs certifies that any portion of such fund, or the income therefrom, is no longer required for the said purposes, and in such event the same, or so much thereof as is so certified, shall be placed in the general funds of the Corporation.

Use of  
poles and  
wires

2. The council of the Corporation may pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon highways and lanes within the limits of the Corporation of poles and wires, or the placing and maintenance of wires upon any poles with the authority of the owner for the purpose of transmitting electrical or electronic impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes, or parts thereof, or television programmes, or parts thereof.

Market  
Square

3.—(1) Without limiting any of the powers of the Corporation, the council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or licence fee, as to the council may appear proper, provided no term of rental or licence shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for

Rev. Stat.,  
c. 243



infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;

Rev. Stat.,  
c. 243

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper.

(2) When such uses, or any of them, are so established upon the Market Square they shall, for all purposes, be deemed to be the operation of a public market. Idem

4. Sections 6 and 7 of *The City of London Act, 1951* are repealed and the following substituted therefor:

1951,  
c. 107,  
ss. 6, 7,  
re-enacted

- 6.—(1) With the intent that the transportation system shall be entirely self-sustaining, the Commission shall so regulate and fix all tolls and fares for the carriage of passengers that a revenue shall be produced which, together with the application of an appropriate part of any fare stabilization reserve, shall be in each year sufficient to provide the cost of operating the transportation system and works and equipment used in connection therewith, including interest charges upon moneys raised by the Commission, the cost of repair, the maintenance and upkeep of such system and all buildings and equipment used in connection therewith, the cost of making such renewals and replacements as are properly chargeable to revenue, the cost of insurance against fire, public liability and property damage, the setting up of proper reserves and depreciation accounts, including reserves for stabilization of fare structure, such sums as are required to pay to the Corporation the interest at the rate provided in section 7 upon all moneys provided by the Corporation for the acquisition of or for any of the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and for all steps and formalities preceding such acquisition and incidental to acquiring a transportation system, until all such moneys have been repaid to Commission  
to be self-  
sustaining

the Corporation, such sums as are required to pay such amounts as may be agreed to be paid pursuant to clause *f* of section 4, such sums as are required to pay audit charges and such remuneration of commissioners as may be provided by by-law of the Council.

Payments  
in 1952 to  
Corporation

- (2) The Commission also shall provide from fares, and pay to the Corporation not later than the 31st day of December, 1952, the amount of moneys expended in any way for the acquisition of such transportation system, and for all steps and formalities preceding such acquisition and incidental to acquiring such system, which has not been provided by the issue of debentures.

Liability

- (3) Failure to produce such revenue shall not impose any personal liability upon any commissioner.

Capital  
charges

- 7.—(1) All moneys expended by the Corporation for the acquisition of or for any of the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and for all steps and formalities preceding such acquisition and incidental to acquiring a transportation system, shall be set up upon the books of the Commission in the amount certified by the Corporation as a capital charge and debt due to the Corporation.

Interest  
payments

- (2) The Commission shall, on or before the 31st day of December in each year, pay to the Corporation interest upon such charge and debt at a rate from time to time fixed by the Council until such charge or debt has been repaid to the Corporation in full.

Interest  
rate

- (3) The rate shall be that required to pay the interest on outstanding debentures issued for the said purposes, and after the same are retired the rate shall be in each year the average current debenture borrowing rate of the Corporation.

Surplus

- (4) The Commission shall pay to the Corporation in each year the surplus in the hands of the Commission by which the revenues in such year exceed the amounts required to be provided for in such year under section 6.

Idem

- (5) Such surplus shall be paid to the Corporation upon the completion of the audit of the books of the Commission for such year and when so paid shall be applied by the Corporation in reduction of such charge or debt.

5. The deed made by The University of Western Ontario <sup>Deed validated</sup> to The Corporation of the City of London, dated the 31st day of March, 1951, and registered on the 19th day of April, 1951, in the Registry Office for the Registry Division of the City of London as No. 55941 for the East Division of the City of London, is declared to be legal, valid and binding and to vest the lands therein described in The Corporation of the City of London.

6. The Corporation is authorized and empowered to set <sup>Parking meter fund</sup> up a fund with the excess of receipts from parking meters over all expenses and disbursements in connection therewith, and to use the same, or so much thereof as may be required, from time to time, for the purchase or lease of lands and premises for the parking of vehicles, for the improvement of traffic conditions, for the widening or extension of streets or for the widening of pavements on streets within the City of London.

7. The council of the Corporation is authorized and em- <sup>Laying of pipes for oxygen, etc.</sup> powered and shall be deemed to have had power to pass by-laws for authorizing any person to lay, use or maintain pipes or conduits for the transmission of oxygen or other non-inflammable gas or liquid along, under, in or upon highways or land owned by the municipality, and for making such annual or other charge for the privilege conferred as to the council may seem reasonable, and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon, and such annual or other charge and any expense incurred by the Corporation in restoring the highway to its former condition shall be payable, and payment may be enforced, in like manner as taxes upon any lands to which such by-law or agreement may refer.

8. The council of the Corporation is authorized and em- <sup>Signs on street allowances</sup> powered to pass by-laws regulating the placing of signs upon street allowances and for making an annual or other charge for the privilege conferred and for entering into agreements with persons for such purposes, and such annual or other charge and any expenses incurred by the Corporation in restoring the highway to its former condition shall be payable, and payment may be enforced in like manner as taxes upon any lands to which such by-law or agreement may refer.

9. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

10. This Act may be cited as *The City of London Act*, <sup>Short title</sup> 1952.

An Act respecting the City of London

---

*1st Reading*

March 11th, 1952

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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*(Reprinted as amended by the Committee on  
Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of London**

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MR. ROBARTS

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No. 12

1952

# BILL

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any of the provisions of *The Municipal Act*, the council of The Corporation of the City of London is authorized and empowered, Gratuities  
Rev. Stat.,  
c. 243

(a) to pass a by-law or by-laws, with the approval of the Department of Municipal Affairs, to provide and pay to any person who is now or had been since the 1st day of January, 1947, an employee of the Corporation, as defined by clause *a* of paragraph 48 of section 386 of *The Municipal Act*, and who at the date of retirement has or had less than twenty years service with the Corporation and for whom a pension has not been otherwise provided by the Corporation, an annual gratuity of \$15 for each year of service of the employee with the Corporation prior to the 1st day of January, 1948, periods of less than a full year being pro-rated, the said gratuities to be payable during the lifetime of the employee and for such term certain not exceeding five years, and upon such terms and conditions as the council of the Corporation may determine; and

(b) to pass by-laws to levy and set aside in each year such moneys as are required to provide sufficiently for the payment of the said gratuities as they become due, and to invest and reinvest so much of the said moneys so levied as are not required immediately for the said purposes.

(2) No part of the said funds so raised, or the income there- Use of  
funds from, shall be used for any other purpose than the payment of

the said gratuities unless the Department of Municipal Affairs certifies that any portion of such fund, or the income therefrom, is no longer required for the said purposes, and in such event the same, or so much thereof as is so certified, shall be placed in the general funds of the Corporation.

Use of  
poles and  
wires

2. The council of the Corporation may pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon highways and lanes within the limits of the Corporation of poles and wires, or the placing and maintenance of wires upon any poles with the authority of the owner for the purpose of transmitting electrical or electronic impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes, or parts thereof, or television programmes, or parts thereof.

Market  
Square

3.—(1) Without limiting any of the powers of the Corporation, the council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or licence fee, as to the council may appear proper, provided no term of rental or licence shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for

Rev. Stat.,  
c. 243



infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;

Rev. Stat.,  
c. 243

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper.

(2) When such uscs, or any of them, are so established upon the Market Square they shall, for all purposes, be deemed to be the operation of a public market. Idem

4. Sections 6 and 7 of *The City of London Act, 1951* are repealed and the following substituted therefor:

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c. 107,  
ss. 6, 7,  
re-enacted

- 6.—(1) With the intent that the transportation system shall be entirely self-sustaining, the Commission shall so regulate and fix all tolls and fares for the carriage of passengers that a revenue shall be produced which, together with the application of an appropriate part of any fare stabilization reserve, shall be in each year sufficient to provide the cost of operating the transportation system and works and equipment used in connection therewith, including interest charges upon moneys raised by the Commission, the cost of repair, the maintenance and upkeep of such system and all buildings and equipment used in connection therewith, the cost of making such renewals and replacements as are properly chargeable to revenue, the cost of insurance against fire, public liability and property damage, the setting up of proper reserves and depreciation accounts, including reserves for stabilization of fare structure, such sums as are required to pay to the Corporation the interest at the rate provided in section 7 upon all moneys provided by the Corporation for the acquisition of or for any of the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and for all steps and formalities preceding such acquisition and incidental to acquiring a transportation system, until all such moneys have been repaid to Commission  
to be self-  
sustaining

the Corporation, such sums as are required to pay such amounts as may be agreed to be paid pursuant to clause *f* of section 4, such sums as are required to pay audit charges and such remuneration of commissioners as may be provided by by-law of the Council.

Payments  
in 1952 to  
Corporation

- (2) The Commission also shall provide from fares, and pay to the Corporation not later than the 31st day of December, 1952, the amount of moneys expended in any way for the acquisition of such transportation system, and for all steps and formalities preceding such acquisition and incidental to acquiring such system, which has not been provided by the issue of debentures.

Liability

- (3) Failure to produce such revenue shall not impose any personal liability upon any commissioner.

Capital  
charges

- 7.—(1) All moneys expended by the Corporation for the acquisition of or for any of the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and for all steps and formalities preceding such acquisition and incidental to acquiring a transportation system, shall be set up upon the books of the Commission in the amount certified by the Corporation as a capital charge and debt due to the Corporation.

Interest  
payments

- (2) The Commission shall, on or before the 31st day of December in each year, pay to the Corporation interest upon such charge and debt at a rate from time to time fixed by the Council until such charge or debt has been repaid to the Corporation in full.

Interest  
rate

- (3) The rate shall be that required to pay the interest on outstanding debentures issued for the said purposes, and after the same are retired the rate shall be in each year the average current debenture borrowing rate of the Corporation.

Surplus

- (4) The Commission shall pay to the Corporation in each year the surplus in the hands of the Commission by which the revenues in such year exceed the amounts required to be provided for in such year under section 6.

Idem

- (5) Such surplus shall be paid to the Corporation upon the completion of the audit of the books of the Commission for such year and when so paid shall be applied by the Corporation in reduction of such charge or debt.

5. The deed made by The University of Western Ontario <sup>Deed validated</sup> to The Corporation of the City of London, dated the 31st day of March, 1951, and registered on the 19th day of April, 1951, in the Registry Office for the Registry Division of the City of London as No. 55941 for the East Division of the City of London, is declared to be legal, valid and binding and to vest the lands therein described in The Corporation of the City of London.

6. The Corporation is authorized and empowered to set <sup>Parking meter fund</sup> up a fund with the excess of receipts from parking meters over all expenses and disbursements in connection therewith, and to use the same, or so much thereof as may be required, from time to time, for the purchase or lease of lands and premises for the parking of vehicles, for the improvement of traffic conditions, for the widening or extension of streets or for the widening of pavements on streets within the City of London.

7. The council of the Corporation is authorized and em- <sup>Laying of pipes for oxygen, etc.</sup> powered and shall be deemed to have had power to pass by-laws for authorizing any person to lay, use or maintain pipes or conduits for the transmission of oxygen or other non-inflammable gas or liquid along, under, in or upon highways or land owned by the municipality, and for making such annual or other charge for the privilege conferred as to the council may seem reasonable, and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon, and such annual or other charge and any expense incurred by the Corporation in restoring the highway to its former condition shall be payable, and payment may be enforced, in like manner as taxes upon any lands to which such by-law or agreement may refer.

8. The council of the Corporation is authorized and em- <sup>Signs on street allowances</sup> powered to pass by-laws regulating the placing of signs upon street allowances and for making an annual or other charge for the privilege conferred and for entering into agreements with persons for such purposes, and such annual or other charge and any expenses incurred by the Corporation in restoring the highway to its former condition shall be payable, and payment may be enforced in like manner as taxes upon any lands to which such by-law or agreement may refer.

9. This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

10. This Act may be cited as *The City of London Act*, <sup>Short title</sup> 1952.

BILL

An Act respecting the City of London

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*1st Reading*

March 11th, 1952

*2nd Reading*

March 26th, 1952

*3rd Reading*

March 28th, 1952

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MR. ROBARTS

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to incorporate the Trustees of  
Massey Hall

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MR. ROBERTS

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(PRIVATE BILL)





# BILL

## An Act to incorporate the Trustees of Massey Hall

**W**HEREAS the trustees of Massey Hall by their petition Preamble  
have represented that the late Hart Almerrin Massey  
of the City of Toronto, by trust deed dated the 5th day of  
June, 1894, granted to three trustees therein appointed the  
lands and premises in the City of Toronto then and since  
known as "Massey Music Hall" or shortly as "Massey Hall"  
to be used for the purposes set out in the trust deed; and that  
by section 12 of *The City of Toronto Act, 1909* it was provided 1909, c. 125  
that the council of the City of Toronto might annually appoint  
the Mayor for the time being or a member of the Board of  
Control to represent the City on the board of trustees under  
the trust deed; and that subsequent to the trust deed certain  
adjoining lands have been granted and various monetary  
donations have been made by others in support of the trusts  
created by the trust deed; and whereas to ensure that the  
intentions of Hart Almerrin Massey as to use of the said  
premises will continue to be effectively fulfilled, the Right  
Honourable Vincent Massey, C.H., Frederick R. MacKelcan,  
Q.C., Hugh Hutchinson Lawson, and Allan A. Lamport, the  
Mayor of the City of Toronto for the time being, presently the  
trustees of Massey Hall, have prayed that an Act be passed to  
incorporate the Trustees of Massey Hall as a body corporate  
and politic for the purposes and with the powers hereinafter  
provided; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "appointed members of the Board" means the per-  
sons designated in subsection 1 of section 5 and  
their successors;
- (b) "Board" means the Board of Governors of the  
Corporation;
- (c) "Corporation" means the Trustees of Massey Hall.

## Incorporation

2. The Right Honourable Vincent Massey, C.H., Frederick R. MacKelcan, Q.C., Hugh Hutchinson Lawson, and Lionel Vincent Massey, and their successors as appointed members of the Board, and Allan A. Lamport and his successor for the time being as Mayor of the City of Toronto, are hereby constituted a body corporate and politic without share capital under the name of the Trustees of Massey Hall.

## Objects of Corporation

3. The objects of the Corporation shall be to encourage or assist the musical, educational or industrial advancement of the people, the promotion of the cause of temperance, the cultivation of good citizenship and patriotism and the encouragement of philanthropic or religious work through public and other meetings or by other means which, in the judgment of the Board, may be consistent with any of the said purposes.

## Board of Governors

4. The affairs of the Corporation shall be managed and its powers may be exercised by a Board of Governors to consist of five persons of whom four shall be appointed members of the Board and one shall be the Mayor of the City of Toronto for the time being *ex officio*.

## First appointed members

5.—(1) The first appointed members of the Board shall be the Right Honourable Vincent Massey, C.H., Frederick R. MacKelcan, Q.C., Hugh Hutchinson Lawson and Lionel Vincent Massey.

## Resignation

(2) An appointed member of the Board may resign at any time.

## Vacancies

(3) If an appointed member of the Board dies or resigns or becomes incapable of acting as a member of the Board, a successor shall be appointed by the remaining members of the Board if they constitute a quorum under the by-laws of the Corporation, but if the remaining members of the Board do not constitute a quorum under the by-laws or if they fail to appoint a successor within a period of six months, the successor shall be appointed by the Chief Justice of Ontario.

## Chairman

6.—(1) The Board at its first meeting after the day this Act comes into force and from time to time thereafter as may be required shall elect from among the appointed members of the Board a chairman of the Corporation who shall hold office until his successor is duly elected.

## Idem

(2) Until the first meeting of the Board held after the day this Act comes into force Frederick R. MacKelcan, Q.C., shall be chairman of the Corporation.



7. Meetings of the Board may be held at such places and times as may be determined in accordance with the by-laws of the Corporation, provided that an annual meeting of the Board shall be held not later than the 1st day of November in each year. Meetings of Board

8. The Board may make by-laws not contrary to the provisions of this Act to regulate the conduct and administration of the affairs of the Corporation in all things and particularly, without limiting the foregoing general power, By-laws

- (a) to regulate the calling of and the procedure at meetings of the Board, and to regulate the time and place for the holding of such meetings;
- (b) to fix the quorum for the Board;
- (c) to regulate the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Corporation.

9. —(1) The chairman of the Corporation and members of the Board shall not be paid any remuneration nor shall any part of the income or capital of the Corporation be payable to or be otherwise available for their personal benefit, but if the by-laws of the Corporation so provide they may be reimbursed for any reasonable expenses actually incurred by them in the performance of their duties. Remuneration and expenses

(2) Section 94 of *The Companies Act* shall apply *mutatis mutandis* to the Corporation and to the members of the Board in the same manner and to the same effect as though the Corporation were a company incorporated under Part I of that Act and the members of the Board were directors thereof. Application of Rev. Stat., c. 59, s. 94

10. —(1) The lands and premises in the City of Toronto described in the Schedule hereto upon which Massey Hall is erected or which are appurtenant thereto and all other real and personal property constituting, immediately prior to the day this Act comes into force, assets of the trust created by the late Hart Almerin Massey in respect of Massey Hall shall be vested in the Corporation. Trust property vested in Corporation

(2) The Corporation shall assume and be liable for all debts, commitments and obligations, if any, of such trust or of the trustees thereof outstanding on the day this Act comes into force. Liabilities

Powers of  
Corporation**11.** The Corporation may,

- (a) purchase, lease or otherwise acquire and hold any real property or any estate or interest therein deemed necessary for the purposes of the Corporation;
- (b) take by gift, donation, devise or bequest and hold any real or personal property or any estate or interest therein upon such trusts, if any, as may be imposed or created by the donor;
- (c) construct, maintain and alter any buildings and works deemed necessary or convenient for the purposes of the Corporation;
- (d) sell, lease or otherwise dispose of the whole or any part of its property or any estate or interest therein when, in the opinion of the Board, the same is no longer required or suitable for the purposes of the Corporation;
- (e) permit others to use the premises or facilities of the Corporation or any part thereof for entertainments, meetings or other purposes upon such terms and conditions as the Board may see fit;
- (f) itself or in association with others present and hold entertainments and meetings, and enter into such commitments and obligations and incur such expenses and make such advances in that connection as the Board may consider desirable;
- (g) employ such officers, servants and agents as the Board may consider necessary or desirable;
- (h) acquire and hold shares and securities in any other company or corporation having objects altogether or in part similar to those of the Corporation or carry on any business capable of being conducted so as directly or indirectly to benefit the Corporation.

Sale and dis-  
tribution  
of assets

**12.** If the revenue or funds of or available to the Corporation are not sufficient, in the opinion of the Board, for the proper maintenance and use of the lands and premises, generally known as Massey Hall, described in the Schedule hereto, or of any premises acquired in addition thereto or in substitution therefor, the Corporation shall sell such lands and premises, and the assets of the Corporation, other than any assets held by it on a separate trust created in accordance with clause *b* of section 11, after provision for its liabilities shall be applied and distributed to and among such charitable institutions or enterprises as the Board may determine, provided that no sale of such lands and premises shall be made without the unanimous consent of the members of the Board.

**13.** If at any time the Corporation sells Massey Hall as <sup>Idem</sup> no longer being suitable for the objects of the Corporation and the Board determines that it is not advisable or feasible to acquire new premises, the assets of the Corporation, other than any assets held by it on a separate trust created in accordance with clause *b* of section 11, after provision for its liabilities shall be applied and distributed to and among such charitable institutions or enterprises as the Board may determine.

**14.** The Corporation may pay gratuities, bonuses and <sup>Payment, etc., for staff</sup> allowances to retired or superannuated officers or servants of the Corporation either out of the general funds of the Corporation or out of any special funds set aside for that purpose and may make payments towards insurance, pension, retirement, sickness and other funds or plans calculated to benefit the officers and employees of the Corporation or their dependants or connections, but no payment shall be made to or for the benefit of the chairman or members of the Board.

**15.** The funds of the Corporation may be invested as the <sup>Investments</sup> Board may determine.

**16.** The Board shall appoint annually one or more auditors <sup>Audit</sup> who shall hold office until the next annual meeting of the Board and the auditor or auditors shall annually examine the accounts of the Corporation and shall report thereon to the Board.

**17.** The Corporation shall have power to do all such <sup>Incidental powers</sup> things as are incidental or conducive to the attainment of its objects.

**18.** The Corporation shall be subject to the provisions of <sup>Application of Rev. Stat., c. 50</sup> *The Charities Accounting Act* as if the Corporation were a trustee coming within the provisions of subsection 1 of section 1 of that Act, except that no notice need be given to the Public Trustee as required by that section.

**19.** So long as the lands described in the Schedule hereto <sup>Tax exemption</sup> are used for the purposes set out in section 3 of this Act and the other provisions of this Act are observed and section 12 of *The City of Toronto Act, 1909* remains unrepealed, the <sup>1909, c. 125</sup> tax exemption thereby granted shall continue to apply notwithstanding that the conditions therein contained cannot be fulfilled by reason of the enactment of this Act.

**20.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**21.** This Act may be cited as *The Trustees of Massey* <sup>Short title</sup> *Hall Act, 1952*.

## SCHEDULE

### PARCEL ONE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario composed of Lots Numbers Eight, Nine and Ten on the west side of Victoria Street, as laid down on Plan 22-A filed in the Registry Office for said City, said parcel having a frontage of one hundred and thirty-one feet, more or less, on the west side of Victoria Street by a depth of one hundred and twenty-two feet more or less to a lane on the south side of Shuter Street.

### PARCEL TWO

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street, according to a Plan registered as Number 22-A in the Registry Office for the City of Toronto, and now on file in the Registry Office for the Registry Division of Toronto, and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by the production easterly of the southerly face of the southerly wall of the brick building standing in 1932 mainly upon the northerly part of the said Lot, which point is distant one hundred and fifty-four feet eight inches ( $154'8''$ ), more or less, measured southerly along the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE westerly to and along the said southerly face of wall, fifty-four feet one and one-quarter inches ( $54'1\frac{1}{4}''$ ) to the southwesterly angle of the said building, being to a point in the westerly limit of the said Lot, which point is distant one hundred and fifty-five feet eleven and one-quarter inches ( $155'11\frac{1}{4}''$ ) measured southerly, parallel to said limit of Victoria Street from the said southerly limit of Shuter Street; THENCE northerly along the said westerly limit of Lot Number 7, being along the westerly face of the westerly wall of the said building, twenty-two feet five and three-quarter inches ( $22'5\frac{3}{4}''$ ) to the northerly limit of said Lot Number 7 as represented in part prior to the erection of the said building and the erection of the building known as Massey Hall, by the site of an old fence; THENCE easterly along the said limit represented as aforesaid, and still following the said limit along the site of the line between the northerly wall of the building formerly standing on the lands herein described and the southerly wall of the building formerly standing on the lands to the north thereof, in all, a distance of fifty-four feet one inch ( $54'1''$ ), more or less, to the westerly limit of Victoria Street aforesaid; THENCE southerly along the last mentioned limit twenty-two feet ten and one-quarter inches ( $22'10\frac{1}{4}''$ ), more or less, to the point of commencement.

### PARCEL THREE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building, and distant twenty-seven feet ( $27'$ ) northerly therefrom measured at right angles thereto, the said point being distant four hundred and five feet one inch ( $405'1''$ ), more or less, measured northerly from the northerly limit of



Queen Street East along the said westerly limit of Victoria Street; THENCE westerly along the said parallel line a distance of fifty-four feet two and one-quarter inches ( $54'2\frac{1}{4}"$ ), more or less, to the point of intersection with the westerly limit of the said Lot, the said point of intersection being distant four hundred and four feet and one-quarter inch ( $404'0\frac{1}{4}"$ ), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the westerly limit of Victoria Street; THENCE northerly along said westerly limit of Lot Number 7 a distance of four feet ten and one-half inches ( $4'10\frac{1}{2}"$ ), more or less, to the point of intersection thereof with the southwesterly angle of the brick building standing in 1932 and still standing mainly upon the northerly part of said Lot Number 7 which said point of intersection is distant one hundred and fifty-five feet eleven and one-quarter inches ( $155'11\frac{1}{4}"$ ) measured southerly parallel to the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE easterly along the southerly face of the southerly wall of the last mentioned building and the production thereof easterly in all a distance of fifty-four feet two inches ( $54'2"$ ), more or less, to the said westerly limit of Victoria Street; THENCE southerly along the last mentioned limit a distance of four feet eight and one-half inches ( $4'8\frac{1}{2}"$ ), more or less, to the said point of commencement.

#### PARCEL FOUR

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Park Lot 8 Concession I from the Bay of the Township of York, and now in the City of Toronto aforesaid, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the westerly limit of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building and distant twenty-seven feet (27') northerly therefrom measured at right angles thereto, the said point of commencement being distant four hundred and four feet and one-quarter of an inch ( $404'0\frac{1}{4}"$ ), more or less, measured northerly from the northerly limit of Queen Street East on the course of the westerly limit of Victoria Street, and being also distant fifty-four feet two and one-quarter inches ( $54'2\frac{1}{4}"$ ), more or less, measured westerly along the said parallel line from the said westerly limit of Victoria Street; THENCE westerly along the production of the said parallel line sixty-eight feet eight and one-half inches ( $68'8\frac{1}{2}"$ ), more or less, to the easterly limit of a lane, sometimes referred to as the extension southerly of St. Enoch's Square, being to a point therein distant four hundred and two feet eight inches ( $402'8"$ ), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the said westerly limit of Victoria Street; THENCE northerly along the said easterly limit of lane twenty-nine feet eight inches ( $29'8"$ ), more or less, to the point of intersection with the production westerly of the southerly limit of Lot Number 8 on the west side of Victoria Street according to the said Plan 22-A; THENCE easterly to and along the said southerly limit of Lot Number 8 as represented by the former old line of occupation, in all a distance of sixty-eight feet four and three-quarters inches ( $68'4\frac{3}{4}"$ ), more or less, to the said westerly limit of the said Lot Number 7; THENCE southerly along the last mentioned limit twenty-seven feet four and one-quarter inches ( $27'4\frac{1}{4}"$ ), more or less, to the point of commencement.

#### PARCEL FIVE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Lot Number 8 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the southerly limit of the said Lot where the same is intersected by the westerly face of the westerly wall of the brick building standing in November 1947 mainly upon the northerly part of Lot Number 7 on the west side of Victoria Street according to the said Plan, the said point of intersection being distant fifty-four feet one and one-half inches ( $54'1\frac{1}{2}"$ ), more or less, measured westerly along the southerly limit of the said Lot Number 8 from the westerly limit of Victoria Street, and being also distant four hundred and thirty-one feet four and one-half inches ( $431'4\frac{1}{2}"$ ), more or less, northerly from the northerly limit of Queen Street East measured on the course of the said limit of Victoria Street; THENCE northerly along the said westerly face of wall seven and one-half inches ( $7\frac{1}{2}"$ ), more or less, to the southerly face of the southerly wall of the brick building known at the date hereinbefore last mentioned as Massey Music Hall; THENCE westerly along the last mentioned face of wall sixty-six feet one and one-half inches ( $66'1\frac{1}{2}"$ ), more or less, to the southwesterly corner of the said building, being to a point in the said southerly limit of Lot Number 8; THENCE easterly along the last mentioned limit, as represented by the former old line of occupation, sixty-six feet one and one-half inches ( $66'1\frac{1}{2}"$ ), more or less, to the point of commencement.



BILL

An Act to incorporate the Trustees of  
Massey Hall

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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*(Private Bill)*



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to incorporate the Trustees of  
Massey Hall

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MR. ROBERTS

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*(Reprinted as amended by the Commissioners of Estate Bills)*

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to incorporate the Trustees of Massey Hall

**W**HEREAS the trustees of Massey Hall by their petition Preamble  
have represented that the late Hart Almerrin Massey  
of the City of Toronto, by trust deed dated the 5th day of  
June, 1894, granted to three trustees therein appointed the  
lands and premises in the City of Toronto then and since  
known as "Massey Music Hall" or shortly as "Massey Hall"  
to be used for the purposes set out in the trust deed; and that  
by section 12 of *The City of Toronto Act, 1909* it was provided 1909, c. 125  
that the council of the City of Toronto might annually appoint  
the Mayor for the time being or a member of the Board of  
Control to represent the City on the board of trustees under  
the trust deed; and that subsequent to the trust deed certain  
adjoining lands have been granted and various monetary  
donations have been made by others in support of the trusts  
created by the trust deed; and whereas to ensure that the  
intentions of Hart Almerrin Massey as to use of the said  
premises will continue to be effectively fulfilled, the Right  
Honourable Vincent Massey, C.H., Frederick R. MacKelcan,  
Q.C., Hugh Hutchinson Lawson, and Allan A. Lamport, the  
Mayor of the City of Toronto for the time being, presently the  
trustees of Massey Hall, have prayed that an Act be passed to  
incorporate the Trustees of Massey Hall as a body corporate  
and politic for the purposes and with the powers hereinafter  
provided; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "appointed members of the Board" means the persons designated in subsection 1 of section 5 and their successors;
- (b) "Board" means the Board of Governors of the Corporation;
- (c) "Corporation" means the Trustees of Massey Hall.

**Incorporation**

**2.** The Right Honourable Vincent Massey, C.H., Frederick R. MacKelcan, Q.C., Hugh Hutchinson Lawson, and Lionel Vincent Massey, and their successors as appointed members of the Board, and Allan A. Lamport and his successor for the time being and from time to time as Mayor of the City of Toronto, are hereby constituted a body corporate and politic without share capital under the name of the Trustees of Massey Hall.

**Objects of Corporation**

**3.** The objects of the Corporation shall be to encourage or assist the musical, educational or industrial advancement of the people, the promotion of the cause of temperance, the cultivation of good citizenship and patriotism and the encouragement of philanthropic or religious work through public and other meetings or by other means which, in the judgment of the Board, may be consistent with any of the said purposes.

**Board of Governors**

**4.** The affairs of the Corporation shall be managed and its powers may be exercised by a Board of Governors to consist of five persons of whom four shall be appointed members of the Board and one shall be the Mayor of the City of Toronto for the time being *ex officio*.

**First appointed members**

**5.—(1)** The first appointed members of the Board shall be the Right Honourable Vincent Massey, C.H., Frederick R. MacKelcan, Q.C., Hugh Hutchinson Lawson and Lionel Vincent Massey.

**Resignation**

**(2)** An appointed member of the Board may resign at any time.

**Vacancies**

**(3)** If an appointed member of the Board dies or resigns or becomes incapable of acting as a member of the Board, a successor shall be appointed by the remaining members of the Board if they constitute a quorum under the by-laws of the Corporation, but if the remaining members of the Board do not constitute a quorum under the by-laws or if they fail to appoint a successor within a period of six months, the successor shall be appointed by the Chief Justice of Ontario upon the recommendation of any member of the Board or the Public Trustee.

**Chairman**

**6.—(1)** The Board at its first meeting after the day this Act comes into force and from time to time thereafter as may be required shall elect from among the appointed members of the Board a chairman of the Corporation who shall hold office until his successor is duly elected.

**Idem**

**(2)** Until the first meeting of the Board held after the day this Act comes into force Frederick R. MacKelcan, Q.C., shall be chairman of the Corporation.

7. Meetings of the Board may be held at such places and times as may be determined in accordance with the by-laws of the Corporation, provided that an annual meeting of the Board shall be held not later than the 1st day of November in each year. <sup>Meetings of Board</sup>

8. The Board may make by-laws not contrary to the provisions of this Act to regulate the conduct and administration of the affairs of the Corporation in all things and particularly, without limiting the foregoing general power, <sup>By-laws</sup>

- (a) to regulate the calling of and the procedure at meetings of the Board, and to regulate the time and place for the holding of such meetings;
- (b) to fix the quorum for the Board;
- (c) to regulate the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Corporation.

9.—(1) The chairman of the Corporation and members of the Board shall not be paid any remuneration nor shall any part of the income or capital of the Corporation be payable to or be otherwise available for their personal benefit, but if the by-laws of the Corporation so provide they may be reimbursed for any reasonable expenses actually incurred by them in the performance of their duties. <sup>Remuneration and expenses</sup>

(2) Section 94 of *The Companies Act* shall apply *mutatis mutandis* to the Corporation and to the members of the Board in the same manner and to the same effect as though the Corporation were a company incorporated under Part II of that Act and the members of the Board were directors thereof. <sup>Application of Rev. Stat., c. 59, s. 94</sup>

10.—(1) The lands and premises in the City of Toronto described in the Schedule hereto upon which Massey Hall is erected or which are appurtenant thereto and all other real and personal property constituting, immediately prior to the day this Act comes into force, assets of the trust created by the late Hart Almerrin Massey in respect of Massey Hall shall be vested in the Corporation. <sup>Trust property vested in Corporation</sup>

(2) The Corporation shall assume and be liable for all debts, commitments and obligations, if any, of such trust or of the trustees thereof outstanding on the day this Act comes into force. <sup>Liabilities</sup>



Powers of  
Corporation**11.** The Corporation may,

- (a) purchase, lease or otherwise acquire and hold any real property or any estate or interest therein deemed necessary for the purposes of the Corporation;
- (b) take by gift, donation, devise or bequest and hold any real or personal property or any estate or interest therein upon such trusts, if any, as may be imposed or created by the donor;
- (c) construct, maintain and alter any buildings and works deemed necessary or convenient for the purposes of the Corporation;
- (d) sell, lease or otherwise dispose of the whole or any part of its property or any estate or interest therein when, in the opinion of the Board, the same is no longer required or suitable for the purposes of the Corporation;
- (e) permit others to use the premises or facilities of the Corporation or any part thereof for entertainments, meetings or other purposes upon such terms and conditions as the Board may see fit;
- (f) itself or in association with others present and hold entertainments and meetings, and enter into such commitments and obligations and incur such expenses and make such advances in that connection as the Board may consider desirable;
- (g) employ such officers, servants and agents as the Board may consider necessary or desirable;
- (h) acquire and hold shares and securities in any other company or corporation having objects altogether or in part similar to those of the Corporation or carry on any business capable of being conducted so as directly or indirectly to benefit the Corporation.

Sale and dis-  
tribution  
of assets

**12.** If the revenue or funds of or available to the Corporation are not sufficient, in the opinion of the Board, for the proper maintenance and use of the lands and premises, generally known as Massey Hall, described in the Schedule hereto, or of any premises acquired in addition thereto or in substitution therefor, the Corporation shall sell such lands and premises, and the assets of the Corporation, other than any assets held by it on a separate trust created in accordance with clause *b* of section 11, after provision for its liabilities shall be applied and distributed to and among such charitable institutions or enterprises as the Board may determine, provided that no sale of such lands and premises shall be made without the unanimous consent of the members of the Board.

**13.** If at any time the Corporation sells Massey Hall as <sup>Idem</sup> no longer being suitable for the objects of the Corporation and the Board determines that it is not advisable or feasible to acquire new premises, the assets of the Corporation, other than any assets held by it on a separate trust created in accordance with clause *b* of section 11, after provision for its liabilities shall be applied and distributed to and among such charitable institutions or enterprises as the Board may determine.

**14.** The Corporation may pay gratuities, bonuses and allowances to retired or superannuated officers or servants of the Corporation either out of the general funds of the Corporation or out of any special funds set aside for that purpose and may make payments towards insurance, pension, retirement, sickness and other funds or plans calculated to benefit the officers and employees of the Corporation or their dependants or connections, but no payment shall be made to or for the benefit of the chairman or members of the Board. <sup>Payment, etc., for staff</sup>

**15.** The funds of the Corporation may be invested as the Board may determine. <sup>Investments</sup>

**16.** The Board shall appoint annually one or more auditors who shall hold office until the next annual meeting of the Board and the auditor or auditors shall annually examine the accounts of the Corporation and shall report thereon to the Board. <sup>Audit</sup>

**17.** The Corporation shall have power to do all such things as are incidental or conducive to the attainment of its objects. <sup>Incidental powers</sup>

**18.** The Corporation shall be subject to the provisions of *The Charities Accounting Act* as if the Corporation were a trustee coming within the provisions of subsection 1 of section 1 of that Act, except that no notice need be given to the Public Trustee as required by that section. <sup>Application of Rev. Stat., c. 50</sup>

**19.** So long as the lands described in the Schedule hereto are used for the purposes set out in section 3 of this Act and the other provisions of this Act are observed and section 12 of *The City of Toronto Act, 1909* remains unrepealed, the tax exemption thereby granted shall continue to apply notwithstanding that the conditions therein contained cannot be fulfilled by reason of the enactment of this Act. <sup>Tax exemption 1909, c. 125</sup>

**20.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**21.** This Act may be cited as *The Trustees of Massey Hall Act, 1952*. <sup>Short title</sup>

## SCHEDULE

### PARCEL ONE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario composed of Lots Numbers Eight, Nine and Ten on the west side of Victoria Street, as laid down on Plan 22-A filed in the Registry Office for said City, said parcel having a frontage of one hundred and thirty-one feet, more or less, on the west side of Victoria Street by a depth of one hundred and twenty-two feet more or less to a lane on the south side of Shuter Street.

### PARCEL TWO

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street, according to a Plan registered as Number 22-A in the Registry Office for the City of Toronto, and now on file in the Registry Office for the Registry Division of Toronto, and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by the production easterly of the southerly face of the southerly wall of the brick building standing in 1932 mainly upon the northerly part of the said Lot, which point is distant one hundred and fifty-four feet eight inches ( $154'8''$ ), more or less, measured southerly along the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE westerly to and along the said southerly face of wall, fifty-four feet one and one-quarter inches ( $54'1\frac{1}{4}''$ ) to the southwesterly angle of the said building, being to a point in the westerly limit of the said Lot, which point is distant one hundred and fifty-five feet eleven and one-quarter inches ( $155'11\frac{1}{4}''$ ) measured southerly, parallel to said limit of Victoria Street from the said southerly limit of Shuter Street; THENCE northerly along the said westerly limit of Lot Number 7, being along the westerly face of the westerly wall of the said building, twenty-two feet five and three-quarter inches ( $22'5\frac{3}{4}''$ ) to the northerly limit of said Lot Number 7 as represented in part prior to the erection of the said building and the erection of the building known as Massey Hall, by the site of an old fence; THENCE easterly along the said limit represented as aforesaid, and still following the said limit along the site of the line between the northerly wall of the building formerly standing on the lands herein described and the southerly wall of the building formerly standing on the lands to the north thereof, in all, a distance of fifty-four feet one inch ( $54'1''$ ), more or less, to the westerly limit of Victoria Street aforesaid; THENCE southerly along the last mentioned limit twenty-two feet ten and one-quarter inches ( $22'10\frac{1}{4}''$ ), more or less, to the point of commencement.

### PARCEL THREE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building, and distant twenty-seven feet ( $27'$ ) northerly therefrom measured at right angles thereto, the said point being distant four hundred and five feet one inch ( $405'1''$ ), more or less, measured northerly from the northerly limit of



Queen Street East along the said westerly limit of Victoria Street; THENCE westerly along the said parallel line a distance of fifty-four feet two and one-quarter inches ( $54'2\frac{1}{4}"$ ), more or less, to the point of intersection with the westerly limit of the said Lot, the said point of intersection being distant four hundred and four feet and one-quarter inch ( $404'0\frac{1}{4}"$ ), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the westerly limit of Victoria Street; THENCE northerly along said westerly limit of Lot Number 7 a distance of four feet ten and one-half inches ( $4'10\frac{1}{2}"$ ), more or less, to the point of intersection thereof with the southwesterly angle of the brick building standing in 1932 and still standing mainly upon the northerly part of said Lot Number 7 which said point of intersection is distant one hundred and fifty-five feet eleven and one-quarter inches ( $155'11\frac{1}{4}"$ ) measured southerly parallel to the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE easterly along the southerly face of the southerly wall of the last mentioned building and the production thereof easterly in all a distance of fifty-four feet two inches ( $54'2"$ ), more or less, to the said westerly limit of Victoria Street; THENCE southerly along the last mentioned limit a distance of four feet eight and one-half inches ( $4'8\frac{1}{2}"$ ), more or less, to the said point of commencement.

#### PARCEL FOUR

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Park Lot 8 Concession I from the Bay of the Township of York, and now in the City of Toronto aforesaid, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the westerly limit of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building and distant twenty-seven feet ( $27'$ ) northerly therefrom measured at right angles thereto, the said point of commencement being distant four hundred and four feet and one-quarter of an inch ( $404'0\frac{1}{4}"$ ), more or less, measured northerly from the northerly limit of Queen Street East on the course of the westerly limit of Victoria Street, and being also distant fifty-four feet two and one-quarter inches ( $54'2\frac{1}{4}"$ ), more or less, measured westerly along the said parallel line from the said westerly limit of Victoria Street; THENCE westerly along the production of the said parallel line sixty-eight feet eight and one-half inches ( $68'8\frac{1}{2}"$ ), more or less, to the easterly limit of a lane, sometimes referred to as the extension southerly of St. Enoch's Square, being to a point therein distant four hundred and two feet eight inches ( $402'8"$ ), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the said westerly limit of Victoria Street; THENCE northerly along the said easterly limit of lane twenty-nine feet eight inches ( $29'8"$ ), more or less, to the point of intersection with the production westerly of the southerly limit of Lot Number 8 on the west side of Victoria Street according to the said Plan 22-A; THENCE easterly to and along the said southerly limit of Lot Number 8 as represented by the former old line of occupation, in all a distance of sixty-eight feet four and three-quarters inches ( $68'4\frac{3}{4}"$ ), more or less, to the said westerly limit of the said Lot Number 7; THENCE southerly along the last mentioned limit twenty-seven feet four and one-quarter inches ( $27'4\frac{1}{4}"$ ), more or less, to the point of commencement.

#### PARCEL FIVE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Lot Number 8 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the southerly limit of the said Lot where the same is intersected by the westerly face of the westerly wall of the brick building standing in November 1947 mainly upon the northerly part of Lot Number 7 on the west side of Victoria Street according to the said Plan, the said point of intersection being distant fifty-four feet one and one-half inches ( $54'1\frac{1}{2}"$ ), more or less, measured westerly along the southerly limit of the said Lot Number 8 from the westerly limit of Victoria Street, and being also distant four hundred and thirty-one feet four and one-half inches ( $431'4\frac{1}{2}"$ ), more or less, northerly from the northerly limit of Queen Street East measured on the course of the said limit of Victoria Street; THENCE northerly along the said westerly face of wall seven and one-half inches ( $7\frac{1}{2}"$ ), more or less, to the southerly face of the southerly wall of the brick building known at the date hereinbefore last mentioned as Massey Music Hall; THENCE westerly along the last mentioned face of wall sixty-six feet one and one-half inches ( $66'1\frac{1}{2}"$ ), more or less, to the southwesterly corner of the said building, being to a point in the said southerly limit of Lot Number 8; THENCE easterly along the last mentioned limit, as represented by the former old line of occupation, sixty-six feet one and one-half inches ( $66'1\frac{1}{2}"$ ), more or less, to the point of commencement.



BILL

An Act to incorporate the Trustees of  
Massey Hall

---

*1st Reading*

March 4th, 1952

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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*(Reprinted as amended by the Commissioners  
of Estate Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to incorporate the Trustees of  
Massey Hall**

---

MR. ROBERTS

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# BILL

## An Act to incorporate the Trustees of Massey Hall

**W**HEREAS the trustees of Massey Hall by their petition Preamble  
have represented that the late Hart Almerrin Massey  
of the City of Toronto, by trust deed dated the 5th day of  
June, 1894, granted to three trustees therein appointed the  
lands and premises in the City of Toronto then and since  
known as "Massey Music Hall" or shortly as "Massey Hall"  
to be used for the purposes set out in the trust deed; and that  
by section 12 of *The City of Toronto Act, 1909* it was provided 1909, c. 125  
that the council of the City of Toronto might annually appoint  
the Mayor for the time being or a member of the Board of  
Control to represent the City on the board of trustees under  
the trust deed; and that subsequent to the trust deed certain  
adjoining lands have been granted and various monetary  
donations have been made by others in support of the trusts  
created by the trust deed; and whereas to ensure that the  
intentions of Hart Almerrin Massey as to use of the said  
premises will continue to be effectively fulfilled, the Right  
Honourable Vincent Massey, C.H., Frederick R. MacKelcan,  
Q.C., Hugh Hutchinson Lawson, and Allan A. Lampert, the  
Mayor of the City of Toronto for the time being, presently the  
trustees of Massey Hall, have prayed that an Act be passed to  
incorporate the Trustees of Massey Hall as a body corporate  
and politic for the purposes and with the powers hereinafter  
provided; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "appointed members of the Board" means the persons designated in subsection 1 of section 5 and their successors;
- (b) "Board" means the Board of Governors of the Corporation;
- (c) "Corporation" means the Trustees of Massey Hall.



## Incorporation

2. The Right Honourable Vincent Massey, C.H., Frederick R. MacKelcan, Q.C., Hugh Hutchinson Lawson, and Lionel Vincent Massey, and their successors as appointed members of the Board, and Allan A. Lamport and his successor for the time being and from time to time as Mayor of the City of Toronto, are hereby constituted a body corporate and politic without share capital under the name of the Trustees of Massey Hall.

## Objects of Corporation

3. The objects of the Corporation shall be to encourage or assist the musical, educational or industrial advancement of the people, the promotion of the cause of temperance, the cultivation of good citizenship and patriotism and the encouragement of philanthropic or religious work through public and other meetings or by other means which, in the judgment of the Board, may be consistent with any of the said purposes.

## Board of Governors

4. The affairs of the Corporation shall be managed and its powers may be exercised by a Board of Governors to consist of five persons of whom four shall be appointed members of the Board and one shall be the Mayor of the City of Toronto for the time being *ex officio*.

## First appointed members

5.—(1) The first appointed members of the Board shall be the Right Honourable Vincent Massey, C.H., Frederick R. MacKelcan, Q.C., Hugh Hutchinson Lawson and Lionel Vincent Massey.

## Resignation

(2) An appointed member of the Board may resign at any time.

## Vacancies

(3) If an appointed member of the Board dies or resigns or becomes incapable of acting as a member of the Board, a successor shall be appointed by the remaining members of the Board if they constitute a quorum under the by-laws of the Corporation, but if the remaining members of the Board do not constitute a quorum under the by-laws or if they fail to appoint a successor within a period of six months, the successor shall be appointed by the Chief Justice of Ontario upon the recommendation of any member of the Board or the Public Trustee.

## Chairman

6.—(1) The Board at its first meeting after the day this Act comes into force and from time to time thereafter as may be required shall elect from among the appointed members of the Board a chairman of the Corporation who shall hold office until his successor is duly elected.

## Idem

(2) Until the first meeting of the Board held after the day this Act comes into force Frederick R. MacKelcan, Q.C., shall be chairman of the Corporation.

7. Meetings of the Board may be held at such places and times as may be determined in accordance with the by-laws of the Corporation, provided that an annual meeting of the Board shall be held not later than the 1st day of November in each year. <sup>Meetings of Board</sup>

8. The Board may make by-laws not contrary to the provisions of this Act to regulate the conduct and administration of the affairs of the Corporation in all things and particularly, without limiting the foregoing general power, <sup>By-laws</sup>

- (a) to regulate the calling of and the procedure at meetings of the Board, and to regulate the time and place for the holding of such meetings;
- (b) to fix the quorum for the Board;
- (c) to regulate the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Corporation.

9.—(1) The chairman of the Corporation and members of the Board shall not be paid any remuneration nor shall any part of the income or capital of the Corporation be payable to or be otherwise available for their personal benefit, but if the by-laws of the Corporation so provide they may be reimbursed for any reasonable expenses actually incurred by them in the performance of their duties. <sup>Remuneration and expenses</sup>

(2) Section 94 of *The Companies Act* shall apply *mutatis mutandis* to the Corporation and to the members of the Board in the same manner and to the same effect as though the Corporation were a company incorporated under Part II of that Act and the members of the Board were directors thereof. <sup>Application of Rev. Stat., c. 59, s. 94</sup>

10.—(1) The lands and premises in the City of Toronto described in the Schedule hereto upon which Massey Hall is erected or which are appurtenant thereto and all other real and personal property constituting, immediately prior to the day this Act comes into force, assets of the trust created by the late Hart Almerin Massey in respect of Massey Hall shall be vested in the Corporation. <sup>Trust property vested in Corporation</sup>

(2) The Corporation shall assume and be liable for all debts, commitments and obligations, if any, of such trust or of the trustees thereof outstanding on the day this Act comes into force. <sup>Liabilities</sup>

**Powers of  
Corporation****11. The Corporation may,**

- (a) purchase, lease or otherwise acquire and hold any real property or any estate or interest therein deemed necessary for the purposes of the Corporation;
- (b) take by gift, donation, devise or bequest and hold any real or personal property or any estate or interest therein upon such trusts, if any, as may be imposed or created by the donor;
- (c) construct, maintain and alter any buildings and works deemed necessary or convenient for the purposes of the Corporation;
- (d) sell, lease or otherwise dispose of the whole or any part of its property or any estate or interest therein when, in the opinion of the Board, the same is no longer required or suitable for the purposes of the Corporation;
- (e) permit others to use the premises or facilities of the Corporation or any part thereof for entertainments, meetings or other purposes upon such terms and conditions as the Board may see fit;
- (f) itself or in association with others present and hold entertainments and meetings, and enter into such commitments and obligations and incur such expenses and make such advances in that connection as the Board may consider desirable;
- (g) employ such officers, servants and agents as the Board may consider necessary or desirable;
- (h) acquire and hold shares and securities in any other company or corporation having objects altogether or in part similar to those of the Corporation or carry on any business capable of being conducted so as directly or indirectly to benefit the Corporation.

**Sale and dis-  
tribution  
of assets**

**12.** If the revenue or funds of or available to the Corporation are not sufficient, in the opinion of the Board, for the proper maintenance and use of the lands and premises, generally known as Massey Hall, described in the Schedule hereto, or of any premises acquired in addition thereto or in substitution therefor, the Corporation shall sell such lands and premises, and the assets of the Corporation, other than any assets held by it on a separate trust created in accordance with clause *b* of section 11, after provision for its liabilities shall be applied and distributed to and among such charitable institutions or enterprises as the Board may determine, provided that no sale of such lands and premises shall be made without the unanimous consent of the members of the Board.



**13.** If at any time the Corporation sells Massey Hall as <sup>Idem</sup> no longer being suitable for the objects of the Corporation and the Board determines that it is not advisable or feasible to acquire new premises, the assets of the Corporation, other than any assets held by it on a separate trust created in accordance with clause *b* of section 11, after provision for its liabilities shall be applied and distributed to and among such charitable institutions or enterprises as the Board may determine.

**14.** The Corporation may pay gratuities, bonuses and <sup>Payment, etc., for staff</sup> allowances to retired or superannuated officers or servants of the Corporation either out of the general funds of the Corporation or out of any special funds set aside for that purpose and may make payments towards insurance, pension, retirement, sickness and other funds or plans calculated to benefit the officers and employees of the Corporation or their dependants or connections, but no payment shall be made to or for the benefit of the chairman or members of the Board.

**15.** The funds of the Corporation may be invested as the <sup>Investments</sup> Board may determine.

**16.** The Board shall appoint annually one or more auditors <sup>Audit</sup> who shall hold office until the next annual meeting of the Board and the auditor or auditors shall annually examine the accounts of the Corporation and shall report thereon to the Board.

**17.** The Corporation shall have power to do all such <sup>Incidental powers</sup> things as are incidental or conducive to the attainment of its objects.

**18.** The Corporation shall be subject to the provisions of <sup>Application of Rev. Stat., c. 50</sup> *The Charities Accounting Act* as if the Corporation were a trustee coming within the provisions of subsection 1 of section 1 of that Act, except that no notice need be given to the Public Trustee as required by that section.

**19.** So long as the lands described in the Schedule hereto <sup>Tax exemption</sup> are used for the purposes set out in section 3 of this Act and the other provisions of this Act are observed and section 12 of *The City of Toronto Act, 1909* remains unrepealed, the <sup>1909, c. 125</sup> tax exemption thereby granted shall continue to apply notwithstanding that the conditions therein contained cannot be fulfilled by reason of the enactment of this Act.

**20.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**21.** This Act may be cited as *The Trustees of Massey* <sup>Short title</sup> *Hall Act, 1952.*

## SCHEDULE

### PARCEL ONE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario composed of Lots Numbers Eight, Nine and Ten on the west side of Victoria Street, as laid down on Plan 22-A filed in the Registry Office for said City, said parcel having a frontage of one hundred and thirty-one feet, more or less, on the west side of Victoria Street by a depth of one hundred and twenty-two feet more or less to a lane on the south side of Shuter Street.

### PARCEL TWO

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street, according to a Plan registered as Number 22-A in the Registry Office for the City of Toronto, and now on file in the Registry Office for the Registry Division of Toronto, and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by the production easterly of the southerly face of the southerly wall of the brick building standing in 1932 mainly upon the northerly part of the said Lot, which point is distant one hundred and fifty-four feet eight inches (154'8"), more or less, measured southerly along the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE westerly to and along the said southerly face of wall, fifty-four feet one and one-quarter inches (54'1 $\frac{1}{4}$ ") to the southwestly angle of the said building, being to a point in the westerly limit of the said Lot, which point is distant one hundred and fifty-five feet eleven and one-quarter inches (155'11 $\frac{1}{4}$ ") measured southerly, parallel to said limit of Victoria Street from the said southerly limit of Shuter Street; THENCE northerly along the said westerly limit of Lot Number 7, being along the westerly face of the westerly wall of the said building, twenty-two feet five and three-quarter inches (22'5 $\frac{3}{4}$ ") to the northerly limit of said Lot Number 7 as represented in part prior to the erection of the said building and the erection of the building known as Massey Hall, by the site of an old fence; THENCE easterly along the said limit represented as aforesaid, and still following the said limit along the site of the line between the northerly wall of the building formerly standing on the lands herein described and the southerly wall of the building formerly standing on the lands to the north thereof, in all, a distance of fifty-four feet one inch (54'1"), more or less, to the westerly limit of Victoria Street aforesaid; THENCE southerly along the last mentioned limit twenty-two feet ten and one-quarter inches (22'10 $\frac{1}{4}$ "), more or less, to the point of commencement.

### PARCEL THREE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of a part of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the westerly limit of Victoria Street, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building, and distant twenty-seven feet (27') northerly therefrom measured at right angles thereto, the said point being distant four hundred and five feet one inch (405'1"), more or less, measured northerly from the northerly limit of

Queen Street East along the said westerly limit of Victoria Street; THENCE westerly along the said parallel line a distance of fifty-four feet two and one-quarter inches ( $54'2\frac{1}{4}"$ ), more or less, to the point of intersection with the westerly limit of the said Lot, the said point of intersection being distant four hundred and four feet and one-quarter inch ( $404'0\frac{1}{4}"$ ), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the westerly limit of Victoria Street; THENCE northerly along said westerly limit of Lot Number 7 a distance of four feet ten and one-half inches ( $4'10\frac{1}{2}"$ ), more or less, to the point of intersection thereof with the southwesterly angle of the brick building standing in 1932 and still standing mainly upon the northerly part of said Lot Number 7 which said point of intersection is distant one hundred and fifty-five feet eleven and one-quarter inches ( $155'11\frac{1}{4}"$ ) measured southerly parallel to the said westerly limit of Victoria Street from the southerly limit of Shuter Street; THENCE easterly along the southerly face of the southerly wall of the last mentioned building and the production thereof easterly in all a distance of fifty-four feet two inches ( $54'2"$ ), more or less, to the said westerly limit of Victoria Street; THENCE southerly along the last mentioned limit a distance of four feet eight and one-half inches ( $4'8\frac{1}{2}"$ ), more or less, to the said point of commencement.

#### PARCEL FOUR

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Park Lot 8 Concession I from the Bay of the Township of York, and now in the City of Toronto aforesaid, the boundaries of the said parcel of land being described as follows:

COMMENCING at a point in the westerly limit of Lot Number 7 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, where the same would be intersected by a line drawn parallel to the southerly limit of the said Lot Number 7 as represented by the site of the northerly face of the northerly wall of a former old brick building and distant twenty-seven feet (27') northerly therefrom measured at right angles thereto, the said point of commencement being distant four hundred and four feet and one-quarter of an inch ( $404'0\frac{1}{4}"$ ), more or less, measured northerly from the northerly limit of Queen Street East on the course of the westerly limit of Victoria Street, and being also distant fifty-four feet two and one-quarter inches ( $54'2\frac{1}{4}"$ ), more or less, measured westerly along the said parallel line from the said westerly limit of Victoria Street; THENCE westerly along the production of the said parallel line sixty-eight feet eight and one-half inches ( $68'8\frac{1}{2}"$ ), more or less, to the easterly limit of a lane, sometimes referred to as the extension southerly of St. Enoch's Square, being to a point therein distant four hundred and two feet eight inches ( $402'8"$ ), more or less, measured northerly from the said northerly limit of Queen Street East on the course of the said westerly limit of Victoria Street; THENCE northerly along the said easterly limit of lane twenty-nine feet eight inches ( $29'8"$ ), more or less, to the point of intersection with the production westerly of the southerly limit of Lot Number 8 on the west side of Victoria Street according to the said Plan 22-A; THENCE easterly to and along the said southerly limit of Lot Number 8 as represented by the former old line of occupation, in all a distance of sixty-eight feet four and three-quarters inches ( $68'4\frac{3}{4}"$ ), more or less, to the said westerly limit of the said Lot Number 7; THENCE southerly along the last mentioned limit twenty-seven feet four and one-quarter inches ( $27'4\frac{1}{4}"$ ), more or less, to the point of commencement.

#### PARCEL FIVE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario, being composed of part of Lot Number 8 on the west side of Victoria Street according to a Plan filed in the Registry Office for the Registry Division of Toronto as Number 22-A, the boundaries of the said parcel of land being described as follows:



COMMENCING at a point in the southerly limit of the said Lot where the same is intersected by the westerly face of the westerly wall of the brick building standing in November 1947 mainly upon the northerly part of Lot Number 7 on the west side of Victoria Street according to the said Plan, the said point of intersection being distant fifty-four feet one and one-half inches ( $54'1\frac{1}{2}"$ ), more or less, measured westerly along the southerly limit of the said Lot Number 8 from the westerly limit of Victoria Street, and being also distant four hundred and thirty-one feet four and one-half inches ( $431'4\frac{1}{2}"$ ), more or less, northerly from the northerly limit of Queen Street East measured on the course of the said limit of Victoria Street; THENCE northerly along the said westerly face of wall seven and one-half inches ( $7\frac{1}{2}"$ ), more or less, to the southerly face of the southerly wall of the brick building known at the date hereinbefore last mentioned as Massey Music Hall; THENCE westerly along the last mentioned face of wall sixty-six feet one and one-half inches ( $66'1\frac{1}{2}"$ ), more or less, to the southwesterly corner of the said building, being to a point in the said southerly limit of Lot Number 8; THENCE easterly along the last mentioned limit, as represented by the former old line of occupation, sixty-six feet one and one-half inches ( $66'1\frac{1}{2}"$ ), more or less, to the point of commencement.





## BILL

An Act to incorporate the Trustees of  
Massey Hall

---

### *1st Reading*

March 4th, 1952

### *2nd Reading*

March 27th, 1952

### *3rd Reading*

March 31st, 1952

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MR. ROBERTS

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Town of Hespeler

---

MR. MYERS

---

(PRIVATE BILL)



No. 15

1952

# BILL

## An Act respecting the Town of Hespeler

**W**HEREAS The Corporation of the Town of Hespeler Preamble by its petition has represented that the Town has for many years formed a portion of the County of Waterloo and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the passing of an Act withdrawing it from the County; and whereas the council of the Town on the 2nd day of December, 1950, did submit for the opinion of the electors of the Town the question "Are you in favour of the Town of Hespeler withdrawing from the County of Waterloo, and becoming a separated municipality?", upon which question 837 of the electors voted in the affirmative and 63 of the electors voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpreta-  
tion

- (a) "Town" means the Town of Hespeler;
- (b) "County" means the County of Waterloo.

**2.** On and after the 1st day of January, 1953, the Town Town  
withdrawn  
from  
County shall be withdrawn and for municipal purposes shall be separated from the County.

**3.** On and after the 1st day of January, 1953, the costs and Liability  
of Town  
re court  
house, etc. expenses of the County court house and jail and of all other matters and things set forth in section 373 of *The Municipal Act* shall be borne and paid as between the County and the Rev. Stat.,  
c. 243 Town as provided in that Act.

**4.** The provisions of *The Municipal Act* in relation to Application  
of Rev. Stat.,  
c. 243 matters consequent upon the formation of a new corporation

and as to the adjustment of assets and liabilities as between the corporation of a county and the corporation of a town, not being a separated town, which is erected into a city, shall apply as between the County and the Town except that subsection 6 of section 36 of that Act shall be deemed not to apply.

Town  
council

**5.**—(1) After the year 1952 the council of the Town shall be composed of a mayor and six councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except there shall be no reeve or deputy reeve.

Election  
of 1953  
council

(2) The election of the council of the Town for the year 1953 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1952, except that no reeve or deputy reeve shall be elected for 1953.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Town of Hespeler Act, 1952*.









An Act respecting the Town of Hespeler

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MYERS

---

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

**An Act respecting the Municipality of Neebing**

---

MR. MAPLEDORAM

---

(PRIVATE BILL)



No. 17

1952

# BILL

## An Act respecting the Municipality of Neebing

**W**HEREAS The Corporation of the Municipality of Neebing by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Municipality of Neebing shall be divided into five wards wards composed as follows:

- (a) the ward of Neebing North, consisting of all that portion of the Township of Neebing, not included in the City of Fort William, lying north of the Kaministikwia River;
- (b) the ward of Neebing South, consisting of all that portion of the Township of Neebing, not included in the City of Fort William, lying south of the Kaministikwia River;
- (c) the ward of Blake consisting of the Township of Blake;
- (d) the ward of Crooks consisting of the Township of Crooks; and
- (e) the ward of Pardee consisting, of the Township of Pardee,

and all the islands in front of each of the Townships of Blake, Crooks and Pardee within the distance of one mile are hereby declared to be part of the said wards in front of which the said islands lie respectively.

**2.** The council of the Municipality of Neebing shall consist of one reeve and five councillors, one councillor to be elected for each ward by the electors thereof, and the reeve to be elected by general vote of the whole municipality.

Composition of council

Priceedings  
for first  
election

**3.** The council of the Municipality may pass by-laws providing for the holding of nominations, for polling places for the electors of the Municipality and for all other purposes necessary for the holding of elections prior to the coming into force of this Act.

1892, c. 76,  
ss. 1-4,  
repealed

**4.** Sections 1 to 4 of *An Act to amend the Law respecting the Municipality of Neebing*, being chapter 76 of the Statutes of Ontario, 1892, are repealed.

1904, c. 61,  
ss. 10-13,  
repealed

**5.** Sections 10 to 13 of *An Act to incorporate the Municipality of the Township of Paipoonge*, being chapter 61 of the Statutes of Ontario, 1904, are repealed.

Commence-  
ment

**6.** This Act comes into force on the 1st day of January, 1953.

Short title

**7.** This Act may be cited as *The Municipality of Neebing Act, 1952.*









An Act respecting the Municipality  
of Neebing

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MAPLEDORAM

*(Private Bill)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Municipality of Neebing

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MR. MAPLEDORAM

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 17

1952

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- (c) the ward of Blake consisting of the Township of Blake;
- (d) the ward of Crooks consisting of the Township of Crooks; and
- (e) the ward of Pardee consisting of the Township of Pardee,

and all the islands in front of each of the Townships of Blake, Crooks and Pardee within the distance of one mile are hereby declared to be part of the said wards in front of which the said islands lie respectively.

2. The council of the Municipality of Neebing shall consist of one reeve and five councillors, one councillor to be elected for each ward by the electors thereof, and the reeve to be elected by general vote of the whole municipality.

Composi-  
tion of  
council



Proceedings  
for first  
election

3. The council of the Municipality may pass by-laws providing for the holding of nominations, for polling places for the electors of the Municipality and for all other purposes necessary for the holding of elections prior to the coming into force of this Act.

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5. Sections 10 to 13 of *An Act to incorporate the Municipality of the Township of Paipoonge*, being chapter 61 of the Statutes of Ontario, 1904, are repealed.

Commence-  
ment

6. This Act comes into force on the 1st day of January, 1953.

Short title

7. This Act may be cited as *The Municipality of Neebing Act, 1952*.







BILL

An Act respecting the Municipality  
of Neebing

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*1st Reading*

March 6th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

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MR. MAPLEDORAM

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

**An Act respecting The Ottawa Association  
for the Advancement of Learning**

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MR. MORROW

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(PRIVATE BILL)





# BILL

## An Act respecting The Ottawa Association for the Advancement of Learning

**W**HEREAS The Ottawa Association for the Advance-<sup>Preamble</sup>  
ment of Learning by its petition has represented that  
it was incorporated in 1943 by letters patent under *The* <sup>R.S.O. 1937,  
c. 251</sup> *Companies Act*, and has prayed for further powers; and  
whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Governors of the College;
- (b) "Chancellor" means Chancellor of the College;
- (c) "College" means University of Carleton College;
- (d) "Corporation" means the body corporate of the College;
- (e) "Faculty Boards" means the teaching staffs of the respective faculties or schools of the College, of the rank of professor, associate professor, assistant professor or lecturer;
- (f) "President" means President of the College;
- (g) "property" includes all property, both real and personal;
- (h) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (i) "Senate" means Senate of the College;

- (j) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Corporation  
continued  
under new  
name

2. The corporation of The Ottawa Association for the Advancement of Learning is hereby continued as a body corporate with perpetual succession and a common seal under the name University of Carleton College, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws now in force shall continue in force until amended or repealed by the Board.

Objects and  
purposes

3. The objects and purposes of the College are:

- (a) The advancement of learning.
- (b) The dissemination of knowledge.
- (c) The intellectual, social, moral and physical development of its members, and the betterment of its community.
- (d) The establishment and maintenance of a non-sectarian college with university powers, having its seat in or about the City of Ottawa.

Faculties  
and schools

4. The College shall have power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as shall be deemed meet by the Board.

Granting  
of degrees

5. The College shall have power and authority to grant in all branches of learning any and all university degrees and honorary degrees, and diplomas.

Religious  
tests not  
required

6. A religious test shall not be required of any professor, lecturer, teacher, officer or servant of the College, or of any student thereof or therein; nor shall attendance upon or participation in any religious instruction or observances be at any time other than voluntary.

Property

Rev. Stat.,  
c. 184

7. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part

thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

8. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College. <sup>Trust property vested in College</sup>

9. Property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. <sup>Property not liable to expropriation</sup>

10. Property vested in the College shall not be liable to taxation for provincial, municipal or school purposes and shall be exempt from every description of such taxation, but the interest of every lessee and occupant (other than an officer of the College or a member of the teaching staff or a student or servant of the College or an association or society of graduates or undergraduates or teachers or officers of the College) of real property vested in the College shall be liable to taxation. <sup>Tax exemption</sup>

11. All property vested in the College shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. <sup>Application of statutes of limitations</sup>

12. The property, and the income, revenues, issues and profits of all property, of the College, shall be applied solely to achieving the objects and purposes of the College. <sup>Application of property to objects</sup>

13. The funds of the College not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board shall deem meet. <sup>Investment of funds</sup>

14. The College, if authorized by by-law of the Board, may, <sup>Borrowing powers</sup>

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations,

including chartered banks, as may be determined by the Board;

- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of the property of the College to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations,

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

Government  
of College  
vested in  
Board

**15.**—(1) The government, conduct, management and control of the College and of its work, affairs and business, and of its property and revenues, and all other matters shall be vested in a Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College, including the power to make by-laws in respect thereof.

By-laws

(2) By-laws of the Board shall not require confirmation by the members of the Corporation.

Powers of  
Board

(3) Included in the powers of the Board shall be power of appointment of,

- (a) the Chancellor;
- (b) the President;
- (c) deans of faculties and members of the teaching staff; and
- (d) all other officers, employees and servants of the College,

but no person shall be appointed as a dean of a faculty, or as a member of the teaching staff of the College or of any faculty

or school thereof unless he has been first nominated by the President, and no dean of a faculty or member of the teaching staff of the College or of any faculty or school thereof shall be promoted or removed from office except upon the recommendation of the President, but this provision shall not apply where there is a vacancy in the office of President.

**16.**—(1) The Board shall be composed of the Chancellor, <sup>Board of</sup> *ex officio*, the President, *ex officio*, and twenty-four elected <sup>Governors</sup> members.

(2) The members of the Board now in office shall continue in office until their successors are elected according to the by-laws.

**17.** Notwithstanding any vacancies on the Board, as long <sup>Quorum</sup> as there are at least twelve members the Board may exercise its powers, and, unless otherwise fixed by by-law of the Board, seven members shall constitute a quorum.

**18.** Without limiting the general powers conferred upon <sup>Special</sup> or vested in the Board, the Board may make by-laws, <sup>by-laws</sup>

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, their terms of office, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**19.**—(1) There shall be a Chancellor of the College who <sup>Chancellor</sup> shall be appointed by the Board and who, subject to the will of the Board, shall hold office for a term of three years or until his successor is appointed.

(2) The Chancellor shall be the titular head of the College <sup>Idem</sup> and shall confer all degrees.

(3) In the absence of the Chancellor and Vice Chancellor, <sup>Degrees</sup> the Senate shall appoint one of its members to confer degrees.



President

**20.**—(1) There shall be a President of the College who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

Idem

(2) The President shall be Vice Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vacancy  
in office

(3) If there is a vacancy in the office of President, the Board may appoint a member of any faculty or school to act and perform the functions and duties of President *pro tempore*.

Senate

**21.** There shall be a Senate of the College, composed as follows:

- (a) The President, *ex officio*, who shall be its chairman.
- (b) Deans or chairmen of Faculty Boards, *ex officio*.
- (c) Members of Faculty Boards of the College of the rank of full professor, *ex officio*.
- (d) Such other persons as the Board shall determine.

**22.** Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all courses of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction in the College;
- (c) receive and consider recommendations respecting academic matters from the Faculty Boards of the College;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees and honorary degrees, and diplomas;
- (f) award College scholarships, medals and prizes;

- (g) make rules and regulations respecting the conduct and activities of the students of the College;
- (h) publish the College calendars;
- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the College;
- (j) make rules and regulations for the conduct of its affairs.

**23.**—(1) Persons who on the day this Act comes into force are members of The Ottawa Association for the Advancement of Learning shall continue to be members of the Corporation according to the by-laws. Members of the Corporation

(2) The members of the Corporation, jointly or severally, may make recommendations to the Board on matters pertaining to the achievement of the objects and purposes of the College. Recommendations to Board

**24.** The accounts of the College shall be audited at least once a year by a practising auditor. Audit

**25.** The College shall submit to the Lieutenant-Governor in Council, upon request, the annual report of the College, and such other reports as may be so requested from time to time. Reports to Lieutenant-Governor

**26.** This Act comes into force on the day it receives Royal Assent. Commencement

**27.** This Act may be cited as *The University of Carleton College Act, 1952*. Short title







BILL

An Act respecting The Ottawa Association  
for the Advancement of Learning

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MORROW

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(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting The Ottawa Association  
for the Advancement of Learning

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MR. MORROW

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting The Ottawa Association for the Advancement of Learning

**W**HEREAS The Ottawa Association for the Advance- Preamble  
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it was incorporated in 1943 by letters patent under *The* R.S.O. 1937,  
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- (a) "Board" means the Board of Governors of the College;
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- (f) "President" means President of the College;
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- (i) "Senate" means Senate of the College;

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Corporation  
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**2.** The corporation of The Ottawa Association for the Advancement of Learning is hereby continued as a body corporate with perpetual succession and a common seal under the name Carleton College, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws now in force shall continue in force until amended or repealed by the Board.

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**4.** The College shall have power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as shall be deemed meet by the Board.

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**5.** The College shall have power and authority to grant in all branches of learning any and all university degrees and honorary degrees, and diplomas.

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**6.** A religious test shall not be required of any professor, lecturer, teacher, officer or servant of the College, or of any student thereof or therein; nor shall attendance upon or participation in any religious instruction or observances be at any time other than voluntary.

Property

Rev. Stat.,  
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**7.** The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part

thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

8. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College. <sup>Trust property vested in College</sup>

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- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations,



including chartered banks, as may be determined by the Board;

- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of the property of the College to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations,

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

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**15.—**(1) The government, conduct, management and control of the College and of its work, affairs and business, and of its property and revenues, and all other matters shall be vested in a Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College, including the power to make by-laws in respect thereof.

By-laws

(2) By-laws of the Board shall not require confirmation by the members of the Corporation.

Powers of  
Board

(3) Included in the powers of the Board shall be power of appointment of,

- (a) the Chancellor;
- (b) the President;
- (c) deans of faculties and members of the teaching staff; and
- (d) all other officers, employees and servants of the College,

but no person shall be appointed as a dean of a faculty, or as a member of the teaching staff of the College or of any faculty



or school thereof unless he has been first nominated by the President, and no dean of a faculty or member of the teaching staff of the College or of any faculty or school thereof shall be promoted or removed from office except upon the recommendation of the President, but this provision shall not apply where there is a vacancy in the office of President.

**16.**—(1) The Board shall be composed of the Chancellor, <sup>Board of</sup> *ex officio*, the President, *ex officio*, and twenty-four elected members. <sup>Governors</sup>

(2) The members of the Board now in office shall continue in office until their successors are elected according to the by-laws.

**17.** Notwithstanding any vacancies on the Board, as long <sup>Quorum</sup> as there are at least twelve members the Board may exercise its powers, and, unless otherwise fixed by by-law of the Board, seven members shall constitute a quorum.

**18.** Without limiting the general powers conferred upon <sup>Special</sup> or vested in the Board, the Board may make by-laws, <sup>by-laws</sup>

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, their terms of office, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**19.**—(1) There shall be a Chancellor of the College who <sup>Chancellor</sup> shall be appointed by the Board and who, subject to the will of the Board, shall hold office for a term of three years or until his successor is appointed.

(2) The Chancellor shall be the titular head of the College <sup>Idem</sup> and shall confer all degrees.

(3) In the absence of the Chancellor and Vice Chancellor, <sup>Degrees</sup> the Senate shall appoint one of its members to confer degrees.

**President**      **20.**—(1) There shall be a President of the College who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

**Idem**            (2) The President shall be Vice Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

**Vacancy in office**      (3) If there is a vacancy in the office of President, the Board may appoint a member of any faculty or school to act and perform the functions and duties of President *pro tempore*.

**Senate**            **21.** There shall be a Senate of the College, composed as follows:

- (a) The President, *ex officio*, who shall be its chairman.
- (b) Deans or chairmen of Faculty Boards, *ex officio*.
- (c) Members of Faculty Boards of the College of the rank of full professor, *ex officio*.
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**22.** Unless otherwise determined by by-law of the Board, the Senate shall,

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- (j) make rules and regulations for the conduct of its affairs.

**23.**—(1) Persons who on the day this Act comes into force are members of The Ottawa Association for the Advancement of Learning shall continue to be members of the Corporation according to the by-laws. <sup>Members of the Corporation</sup>

(2) The members of the Corporation, jointly or severally, may make recommendations to the Board on matters pertaining to the achievement of the objects and purposes of the College. <sup>Recommendations to Board</sup>

**24.** The accounts of the College shall be audited at least once a year by a practising auditor. <sup>Audit</sup>

**25.** The College shall submit to the Lieutenant-Governor in Council, upon request, the annual report of the College, and such other reports as may be so requested from time to time. <sup>Reports to Lieutenant-Governor</sup>

**26.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**27.** This Act may be cited as *The Carleton College Act*, 1952. <sup>Short title</sup>





BILL

An Act respecting The Ottawa Association  
for the Advancement of Learning

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*1st Reading*

March 4th, 1952

*2nd Reading*

*3rd Reading*

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MR. MORROW

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*(Reprinted as amended by the Committee on  
Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

An Act respecting The Ottawa Association  
for the Advancement of Learning

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MR. MORROW

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# BILL

## An Act respecting The Ottawa Association for the Advancement of Learning

**W**HEREAS The Ottawa Association for the Advance- Preamble  
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- (i) "Senate" means Senate of the College;

- (j) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Corporation  
continued  
under new  
name

**2.** The corporation of The Ottawa Association for the Advancement of Learning is hereby continued as a body corporate with perpetual succession and a common seal under the name Carleton College, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has. holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws now in force shall continue in force until amended or repealed by the Board.

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**4.** The College shall have power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as shall be deemed meet by the Board.

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of degrees

**5.** The College shall have power and authority to grant in all branches of learning any and all university degrees and honorary degrees, and diplomas.

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tests not  
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**6.** A religious test shall not be required of any professor, lecturer, teacher, officer or servant of the College, or of any student thereof or therein; nor shall attendance upon or participation in any religious instruction or observances be at any time other than voluntary.

Property

Rev. Stat.,  
c. 184

**7.** The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part

thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

8. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College. <sup>Trust property vested in College</sup>

9. Property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. <sup>Property not liable to expropriation</sup>

10. Property vested in the College shall not be liable to taxation for provincial, municipal or school purposes and shall be exempt from every description of such taxation, but the interest of every lessee and occupant (other than an officer of the College or a member of the teaching staff or a student or servant of the College or an association or society of graduates or undergraduates or teachers or officers of the College) of real property vested in the College shall be liable to taxation. <sup>Tax exemption</sup>

11. All property vested in the College shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. <sup>Application of statutes of limitations</sup>

12. The property, and the income, revenues, issues and profits of all property, of the College, shall be applied solely to achieving the objects and purposes of the College. <sup>Application of property to objects</sup>

13. The funds of the College not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board shall deem meet. <sup>Investment of funds</sup>

14. The College, if authorized by by-law of the Board, may, <sup>Borrowing powers</sup>

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations,

including chartered banks, as may be determined by the Board;

- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of the property of the College to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations,

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

Government  
of College  
vested in  
Board

**15.**—(1) The government, conduct, management and control of the College and of its work, affairs and business, and of its property and revenues, and all other matters shall be vested in a Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College, including the power to make by-laws in respect thereof.

By-laws

(2) By-laws of the Board shall not require confirmation by the members of the Corporation.

Powers of  
Board

(3) Included in the powers of the Board shall be power of appointment of,

- (a) the Chancellor;
- (b) the President;
- (c) deans of faculties and members of the teaching staff; and
- (d) all other officers, employees and servants of the College,

but no person shall be appointed as a dean of a faculty, or as a member of the teaching staff of the College or of any faculty



or school thereof unless he has been first nominated by the President, and no dean of a faculty or member of the teaching staff of the College or of any faculty or school thereof shall be promoted or removed from office except upon the recommendation of the President, but this provision shall not apply where there is a vacancy in the office of President.

**16.**—(1) The Board shall be composed of the Chancellor, <sup>Board of</sup>  
*ex officio*, the President, *ex officio*, and twenty-four elected members. <sup>Governors</sup>

(2) The members of the Board now in office shall continue in office until their successors are elected according to the by-laws.

**17.** Notwithstanding any vacancies on the Board, as long <sup>Quorum</sup> as there are at least twelve members the Board may exercise its powers, and, unless otherwise fixed by by-law of the Board, seven members shall constitute a quorum.

**18.** Without limiting the general powers conferred upon <sup>Special</sup>  
or vested in the Board, the Board may make by-laws, <sup>by-laws</sup>

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, their terms of office, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**19.**—(1) There shall be a Chancellor of the College who <sup>Chancellor</sup>  
shall be appointed by the Board and who, subject to the will of the Board, shall hold office for a term of three years or until his successor is appointed.

(2) The Chancellor shall be the titular head of the College <sup>Idem</sup>  
and shall confer all degrees.

(3) In the absence of the Chancellor and Vice Chancellor, <sup>Degrees</sup>  
the Senate shall appoint one of its members to confer degrees.

President

**20.**—(1) There shall be a President of the College who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

Idem

(2) The President shall be Vice Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vacancy  
in office

(3) If there is a vacancy in the office of President, the Board may appoint a member of any faculty or school to act and perform the functions and duties of President *pro tempore*.

Senate

**21.** There shall be a Senate of the College, composed as follows:

- (a) The President, *ex officio*, who shall be its chairman.
- (b) Deans or chairmen of Faculty Boards, *ex officio*.
- (c) Members of Faculty Boards of the College of the rank of full professor, *ex officio*.
- (d) Such other persons as the Board shall determine.

**22.** Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all courses of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction in the College;
- (c) receive and consider recommendations respecting academic matters from the Faculty Boards of the College;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees and honorary degrees, and diplomas;
- (f) award College scholarships, medals and prizes;

- (g) make rules and regulations respecting the conduct and activities of the students of the College;
- (h) publish the College calendars;
- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the College;
- (j) make rules and regulations for the conduct of its affairs.

**23.**—(1) Persons who on the day this Act comes into force are members of The Ottawa Association for the Advancement of Learning shall continue to be members of the Corporation according to the by-laws. Members of the Corporation

(2) The members of the Corporation, jointly or severally, may make recommendations to the Board on matters pertaining to the achievement of the objects and purposes of the College. Recommendations to Board

**24.** The accounts of the College shall be audited at least once a year by a practising auditor. Audit

**25.** The College shall submit to the Lieutenant-Governor in Council, upon request, the annual report of the College, and such other reports as may be so requested from time to time. Reports to Lieutenant-Governor

**26.** This Act comes into force on the day it receives Royal Assent. Commencement

**27.** This Act may be cited as *The Carleton College Act*, 1952. Short title







BILL

An Act respecting The Ottawa Association  
for the Advancement of Learning

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*1st Reading*

March 4th, 1952

*2nd Reading*

March 26th, 1952

*3rd Reading*

March 28th, 1952

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MR. MORROW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting St. Patrick's Home of Ottawa

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MR. MORROW

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(PRIVATE BILL)



# BILL

## An Act respecting St. Patrick's Home of Ottawa

**W**HEREAS St. Patrick's Home of Ottawa, hereinafter <sup>Preamble</sup> called the Corporation, by its petition has represented that it was incorporated in 1866 by *An Act to incorporate the St. Patrick's Asylum of Ottawa*, being chapter 147 of the Statutes of the Province of Canada, 1866, and that the said Act has been amended by chapter 87 of the Statutes of Ontario, 1888, chapter 108 of the Statutes of Ontario, 1916, chapter 130 of the Statutes of Ontario, 1925, and chapter 96 of the Statutes of Ontario, 1933, by which last-mentioned Act the corporate name was changed to St. Patrick's Home of Ottawa; and that the Corporation was incorporated for the purpose of providing for the maintenance of orphans and aged and infirm persons, and pursuant to such purposes established a home in the City of Ottawa for orphans and aged and infirm persons; and that for some time past the said home, known as St. Patrick's Home of Ottawa, has been operated on behalf of the Corporation by the Grey Sisters of the Immaculate Conception, hereinafter called the Grey Nuns, a corporation without share capital incorporated on the 23rd day of November, 1926, by letters patent under *The Companies Act*; and that the Grey Nuns are by the said letters patent empowered to establish, keep and care for orphans' homes, infants' homes and homes for the aged and infirm; and that the Corporation is the owner of lands in the City of Ottawa and elsewhere and has other property, assets and rights; and that the Council of Management of the Corporation has deemed it advisable and expedient that a transfer, alienation and assignment of all the undertaking, property, assets and rights of the Corporation be made to the Grey Nuns and that the Corporation be dissolved; and whereas the Corporation has prayed for special legislation to confirm, validate and declare legal and binding an agreement between the Corporation and the Grey Nuns embodying the provisions for and terms of such transfer, alienation and assignment; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1914,  
c. 178

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement  
validated

1. The agreement made between the Corporation and the Grey Nuns dated the 1st day of December, 1951, set out as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder.

Undertaking  
and  
property  
vested in  
Grey Nuns

2. The whole of the undertaking, property, assets, funds, rights, privileges, choses in action, moneys, credits and effects of the Corporation and all endowments of and gifts, devises, bequests, legacies and grants to the Corporation, whether heretofore or hereafter given or made, and the exclusive right to the use of the name "St. Patrick's Home of Ottawa", are hereby vested in and declared to be the property of the Grey Nuns and all such endowments, gifts, devises, bequests, legacies and grants shall enure to the benefit and advantage of the Grey Nuns, and wherever in any deed of gift or will or other instrument of gift or endowment the Corporation is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Grey Nuns.

Liability of  
Grey Nuns

3. On and after the day upon which this Act comes into force, all rights of creditors against the property and assets of the Corporation and all liens upon its property, assets and rights shall remain unimpaired and all debts, contracts, liabilities, trusts and duties of the Corporation shall thenceforth attach to the Grey Nuns and may be enforced against it to the extent of the property and assets hereby vested in the Grey Nuns.

Transfer of  
title

Rev. Stat.,  
cc. 336, 197,  
36

4. For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting the title to property, it shall be sufficient to cite this Act to show the transfer or transmission of title from the Corporation to the Grey Nuns and the vesting therein of any lands or any interest in lands or personal property.

Grey Nuns  
authorized to  
continue  
operations

5. It is hereby declared that the Grey Nuns are hereby empowered to operate, use and enjoy the undertaking, property, assets, rights, endowments and grants of the Corporation in accordance with the terms of the agreement set out in the Schedule hereto and the intent of the objects of the Corporation as heretofore set out in its Act of Incorporation and amendments thereto.



6. Upon completion of such formal transfers and assignments as the parties may be advised as necessary or expedient to carry out the terms and provisions of the agreement set out in the Schedule hereto, the Corporation shall file with the Provincial Secretary a certificate under the corporate seal that the Corporation has no debts or obligations which have not been assumed by the Grey Nuns, and that all necessary transfers and assignments have been executed and delivered in accordance with the said agreement, and on the expiration of one month from the date of the filing the Corporation shall *ipso facto* be dissolved.

7. Upon the dissolution of the Corporation, the following shall be repealed:

- (a) *An Act to incorporate the St. Patrick's Asylum of Ottawa*, being chapter 147 of the Statutes of the Province of Canada, 1866;
- (b) *An Act to amend the Act incorporating the St. Patrick's Asylum of Ottawa*, being chapter 87 of the Statutes of Ontario, 1888;
- (c) *An Act to further amend The Act incorporating the St. Patrick's Asylum of Ottawa*, being chapter 108 of the Statutes of Ontario, 1916;
- (d) *An Act to further amend the Act incorporating the St. Patrick's Asylum of Ottawa*, being chapter 130 of the Statutes of Ontario, 1925;
- (e) *An Act respecting St. Patrick's Asylum of Ottawa*, being chapter 96 of the Statutes of Ontario, 1933.

8. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

Short title

9. This Act may be cited as *The St. Patrick's Home of Ottawa Act, 1952*.

## SCHEDULE

THIS AGREEMENT dated the 1st day of December, 1951.

BETWEEN:

ST. PATRICK'S HOME OF OTTAWA, hereinafter referred to as "the Corporation",

OF THE FIRST PART,

—and—

THE GREY SISTERS OF THE IMMACULATE CONCEPTION, hereinafter referred to as "the Grey Nuns",

OF THE SECOND PART.

WHEREAS the Corporation was incorporated without share capital by Act of Incorporation of the Province of Canada, being chapter 147, 29 & 30 Victoria (1866) as amended by subsequent Acts of the Legislature of Ontario, with objects and purposes to provide for the maintenance of orphans and aged and infirm persons;

AND WHEREAS pursuant to such objects and purposes the Corporation established a home in the City of Ottawa for orphans and aged and infirm persons;

AND WHEREAS the Grey Nuns are a corporation without share capital, incorporated by Letters Patent granted under *The Companies Act* (Ontario) on 23rd day of November, 1926, with objects and purposes *inter alia*, which include objects and purposes similar to those of the Corporation;

AND WHEREAS for some years past the Grey Nuns have operated the said home in the City of Ottawa for and on behalf of the Corporation;

AND WHEREAS the Corporation has acquired other property and assets since its incorporation;

AND WHEREAS it is deemed expedient that all the undertaking, property, assets, rights, endowments, goods, devises, gifts, legacies and grants now owned by the Corporation or to which it is now or may hereafter become entitled and the benefit and advantage thereof, should be transferred, conveyed and assigned to the Grey Nuns; .

AND WHEREAS the Grey Nuns have agreed to accept the said transfer, conveyance and assignment and to continue to operate the said home as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. That in consideration of the premises and of the sum of One Dollar (\$1.00) now paid by the Grey Nuns to the Corporation (receipt whereof is hereby acknowledged) and subject to the enactment of appropriate confirming legislation by the Legislature of the Province of Ontario, the Corporation agrees to and does hereby transfer, convey, set over and assign unto the Grey Nuns its undertaking and all its property, assets and rights, real and personal, of whatsoever kind and wheresoever situate and whether now owned or to which it may hereafter become entitled, including without limiting the generality of the foregoing all funds, privileges, choses in action, moneys, credits, of the Corporation and all endowments of and gifts, devises, bequests, legacies and grants to the Corporation, whether heretofore or hereafter given or made, and the exclusive right to the use of the name "St. Patrick's Home of Ottawa".

2. The Grey Nuns hereby covenant and agree to assume and pay, as from the said 1st day of December, 1951, all the debts and obligations of the Corporation including, without limiting the generality of the foregoing, all costs and expenses connected with or incidental to these presents and the obtaining of the legislation aforesaid and of the winding-up and dissolution of the Corporation, and to indemnify and save harmless the Corporation and its Council of Management and members in respect thereof.

3. The Grey Nuns further covenant and agree to continue to operate the said St. Patrick's Home for the purposes for which it was established consistent with the corporate powers of the Grey Nuns.

4. The parties hereto shall execute all such further deeds, agreements and documents which may be necessary or desirable for carrying out and completing the true intent of these presents and the vesting in the Grey Nuns of all the undertaking, property, assets and rights of the Corporation as above set out.

5. On and after the date of this agreement and until the passing of the said legislation the Grey Nuns shall be deemed to have operated the said St. Patrick's Home of Ottawa under the terms hereof.

6. The parties hereto shall co-operate and endeavour to obtain legislation at the next Session of the Legislature of the Province of Ontario confirming and validating this Agreement and embodying such of the terms and provisions hereof and such other provisions as may be necessary to give full effect to the true intent and meaning of these presents.

7. In event of such legislation not being obtained within one year from the date hereof, this Agreement shall be null and void.

8. The Corporation agrees that upon the enactment of confirming legislation as aforesaid it will take such steps as may be necessary to surrender its Act of Incorporation.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

ST. PATRICK'S HOME OF OTTAWA

P. J. MACDONALD  
*President*  
(Seal)

W. G. MOORE  
*Treasurer*

THE GREY SISTERS OF THE IM-  
MACULATE CONCEPTION

MOTHER ST. RICHARD  
*President*  
(Seal)

SISTER MARGARET OF S. H.  
*Secretary*

BILL  
An Act respecting St. Patrick's Home  
of Ottawa

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MORROW

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*(Private Bill)*

No. 19

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting St. Patrick's Home of Ottawa

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MR. MORROW

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# BILL

## An Act respecting St. Patrick's Home of Ottawa

**W**HEREAS St. Patrick's Home of Ottawa, hereinafter <sup>Preamble</sup> called the Corporation, by its petition has represented that it was incorporated in 1866 by *An Act to incorporate the St. Patrick's Asylum of Ottawa*, being chapter 147 of the Statutes of the Province of Canada, 1866, and that the said Act has been amended by chapter 87 of the Statutes of Ontario, 1888, chapter 108 of the Statutes of Ontario, 1916, chapter 130 of the Statutes of Ontario, 1925, and chapter 96 of the Statutes of Ontario, 1933, by which last-mentioned Act the corporate name was changed to St. Patrick's Home of Ottawa; and that the Corporation was incorporated for the purpose of providing for the maintenance of orphans and aged and infirm persons, and pursuant to such purposes established a home in the City of Ottawa for orphans and aged and infirm persons; and that for some time past the said home, known as St. Patrick's Home of Ottawa, has been operated on behalf of the Corporation by the Grey Sisters of the Immaculate Conception, hereinafter called the Grey Nuns, a corporation without share capital incorporated on the 23rd day of November, 1926, by letters patent under *The Companies Act*; and that the Grey Nuns are by the said letters patent empowered to establish, keep and care for orphans' homes, infants' homes and homes for the aged and infirm; and that the Corporation is the owner of lands in the City of Ottawa and elsewhere and has other property, assets and rights; and that the Council of Management of the Corporation has deemed it advisable and expedient that a transfer, alienation and assignment of all the undertaking, property, assets and rights of the Corporation be made to the Grey Nuns and that the Corporation be dissolved; and whereas the Corporation has prayed for special legislation to confirm, validate and declare legal and binding an agreement between the Corporation and the Grey Nuns embodying the provisions for and terms of such transfer, alienation and assignment; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1914,  
c. 178



Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement  
validated

1. The agreement made between the Corporation and the Grey Nuns dated the 1st day of December, 1951, set out as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder.

Undertaking  
and  
property  
vested in  
Grey Nuns

2. The whole of the undertaking, property, assets, funds, rights, privileges, choses in action, moneys, credits and effects of the Corporation and all endowments of and gifts, devises, bequests, legacies and grants to the Corporation, whether heretofore or hereafter given or made, and the exclusive right to the use of the name "St. Patrick's Home of Ottawa", are hereby vested in and declared to be the property of the Grey Nuns and all such endowments, gifts, devises, bequests, legacies and grants shall enure to the benefit and advantage of the Grey Nuns, and wherever in any deed of gift or will or other instrument of gift or endowment the Corporation is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Grey Nuns.

Liability of  
Grey Nuns

3. On and after the day upon which this Act comes into force, all rights of creditors against the property and assets of the Corporation and all liens upon its property, assets and rights shall remain unimpaired and all debts, contracts, liabilities, trusts and duties of the Corporation shall thenceforth attach to the Grey Nuns and may be enforced against it to the extent of the property and assets hereby vested in the Grey Nuns.

Transfer of  
title

Rev. Stat.,  
cc. 336, 197,  
36

4. For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting the title to property, it shall be sufficient to cite this Act to show the transfer or transmission of title from the Corporation to the Grey Nuns and the vesting therein of any lands or any interest in lands or personal property.

Grey Nuns  
authorized to  
continue  
operations

5. It is hereby declared that the Grey Nuns are hereby empowered to operate, use and enjoy the undertaking, property, assets, rights, endowments and grants of the Corporation in accordance with the terms of the agreement set out in the Schedule hereto and the intent of the objects of the Corporation as heretofore set out in its Act of Incorporation and amendments thereto.

6. Upon completion of such formal transfers and assignments as the parties may be advised as necessary or expedient to carry out the terms and provisions of the agreement set out in the Schedule hereto, the Corporation shall file with the Provincial Secretary a certificate under the corporate seal that the Corporation has no debts or obligations which have not been assumed by the Grey Nuns, and that all necessary transfers and assignments have been executed and delivered in accordance with the said agreement, and on the expiration of one month from the date of the filing the Corporation shall *ipso facto* be dissolved.

7. Upon the dissolution of the Corporation, the following shall be repealed:

- (a) *An Act to incorporate the St. Patrick's Asylum of Ottawa*, being chapter 147 of the Statutes of the Province of Canada, 1866;
- (b) *An Act to amend the Act incorporating the St. Patrick's Asylum of Ottawa*, being chapter 87 of the Statutes of Ontario, 1888;
- (c) *An Act to further amend The Act incorporating the St. Patrick's Asylum of Ottawa*, being chapter 108 of the Statutes of Ontario, 1916;
- (d) *An Act to further amend the Act incorporating the St. Patrick's Asylum of Ottawa*, being chapter 130 of the Statutes of Ontario, 1925;
- (e) *An Act respecting St. Patrick's Asylum of Ottawa*, being chapter 96 of the Statutes of Ontario, 1933.

8. This Act comes into force on the day it receives Royal Assent.

9. This Act may be cited as *The St. Patrick's Home of Ottawa Act, 1952*.

Commence-  
ment

Short title

## SCHEDULE

THIS AGREEMENT dated the 1st day of December, 1951.

BETWEEN:

ST. PATRICK'S HOME OF OTTAWA, hereinafter referred to as "the Corporation",

OF THE FIRST PART,

—and—

THE GREY SISTERS OF THE IMMACULATE CONCEPTION, hereinafter referred to as "the Grey Nuns",

OF THE SECOND PART.

WHEREAS the Corporation was incorporated without share capital by Act of Incorporation of the Province of Canada, being chapter 147, 29 & 30 Victoria (1866) as amended by subsequent Acts of the Legislature of Ontario, with objects and purposes to provide for the maintenance of orphans and aged and infirm persons;

AND WHEREAS pursuant to such objects and purposes the Corporation established a home in the City of Ottawa for orphans and aged and infirm persons;

AND WHEREAS the Grey Nuns are a corporation without share capital, incorporated by Letters Patent granted under *The Companies Act* (Ontario) on 23rd day of November, 1926, with objects and purposes *inter alia*, which include objects and purposes similar to those of the Corporation;

AND WHEREAS for some years past the Grey Nuns have operated the said home in the City of Ottawa for and on behalf of the Corporation;

AND WHEREAS the Corporation has acquired other property and assets since its incorporation;

AND WHEREAS it is deemed expedient that all the undertaking, property, assets, rights, endowments, goods, devises, gifts, legacies and grants now owned by the Corporation or to which it is now or may hereafter become entitled and the benefit and advantage thereof, should be transferred, conveyed and assigned to the Grey Nuns;

AND WHEREAS the Grey Nuns have agreed to accept the said transfer, conveyance and assignment and to continue to operate the said home as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. That in consideration of the premises and of the sum of One Dollar (\$1.00) now paid by the Grey Nuns to the Corporation (receipt whereof is hereby acknowledged) and subject to the enactment of appropriate confirming legislation by the Legislature of the Province of Ontario, the Corporation agrees to and does hereby transfer, convey, set over and assign unto the Grey Nuns its undertaking and all its property, assets and rights, real and personal, of whatsoever kind and wheresoever situate and whether now owned or to which it may hereafter become entitled, including without limiting the generality of the foregoing all funds, privileges, choses in action, moneys, credits, of the Corporation and all endowments of and gifts, devises, bequests, legacies and grants to the Corporation, whether heretofore or hereafter given or made, and the exclusive right to the use of the name "St. Patrick's Home of Ottawa".

2. The Grey Nuns hereby covenant and agree to assume and pay, as from the said 1st day of December, 1951, all the debts and obligations of the Corporation including, without limiting the generality of the foregoing, all costs and expenses connected with or incidental to these presents and the obtaining of the legislation aforesaid and of the winding-up and dissolution of the Corporation, and to indemnify and save harmless the Corporation and its Council of Management and members in respect thereof.

3. The Grey Nuns further covenant and agree to continue to operate the said St. Patrick's Home for the purposes for which it was established consistent with the corporate powers of the Grey Nuns.

4. The parties hereto shall execute all such further deeds, agreements and documents which may be necessary or desirable for carrying out and completing the true intent of these presents and the vesting in the Grey Nuns of all the undertaking, property, assets and rights of the Corporation as above set out.

5. On and after the date of this agreement and until the passing of the said legislation the Grey Nuns shall be deemed to have operated the said St. Patrick's Home of Ottawa under the terms hereof.

6. The parties hereto shall co-operate and endeavour to obtain legislation at the next Session of the Legislature of the Province of Ontario confirming and validating this Agreement and embodying such of the terms and provisions hereof and such other provisions as may be necessary to give full effect to the true intent and meaning of these presents.

7. In event of such legislation not being obtained within one year from the date hereof, this Agreement shall be null and void.

8. The Corporation agrees that upon the enactment of confirming legislation as aforesaid it will take such steps as may be necessary to surrender its Act of Incorporation.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

ST. PATRICK'S HOME OF OTTAWA

P. J. MACDONALD  
*President*  
(Seal)

W. G. MOORE  
*Treasurer*

THE GREY SISTERS OF THE IM-  
MACULATE CONCEPTION

MOTHER ST. RICHARD  
*President*  
(Seal)

SISTER MARGARET OF S. H.  
*Secretary*



An Act respecting St. Patrick's Home  
of Ottawa

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*1st Reading*

February 28th, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

March 17th, 1952

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MR. MORROW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Oshawa**

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Mr. THOMAS (Ontario)

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(PRIVATE BILL)





# BILL

## An Act respecting the City of Oshawa

**W**HEREAS The Corporation of the City of Oshawa Preamble by its petition has represented that it is desirable to substitute new provisions for the provisions of *An Act respecting the Town of Oshawa*, being chapter 122 of the Statutes of Ontario, 1922, as amended by section 6 of *The City of Oshawa Act, 1951*, and, more particularly, to provide for changes in the procedure for imposing the special frontage rate for the construction of watermains authorized by the said Act and for exempting agricultural lands therefrom, and has prayed for special legislation in that respect; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to sections 2 to 11, the council of the City of Oshawa may, by by-law, levy and charge a special frontage rate not exceeding 15 cents per foot of frontage upon all lands in the City of Oshawa, whether occupied or vacant, fronting or abutting upon streets, lanes or alleys upon or within which watermains have heretofore been or may hereafter be constructed. Special rate re water-mains

2. The special frontage rate shall be an annual rate to be levied and charged in each year during but not beyond a period of twenty years following construction of the water-main upon or within the street, lane or alley upon which the land on which the said rate is levied or charged fronts or abuts. Idem

3. The council shall, by by-law, provide an equitable method of exempting from the special frontage rate lands which front or abut upon more than one street, lane or alley upon or within which watermains have been or may be constructed and lands which are of irregular shape or unfit for building purposes or upon which, for any other reason, it would be inequitable to levy or charge the full frontage rate as aforesaid. Exemptions

Change  
in rate

4. The special frontage rate may be varied from time to time by by-law passed by the council but shall not be increased to more than 15 cents per foot without the approval of the Ontario Municipal Board.

Collection  
of rate

5. The special frontage rate shall be payable at the same time and in the same manner as the general taxes of the City and, until paid, shall be a lien or charge upon the lands on which it is levied and arrears of the special frontage rate shall be subject to the same penalties and be collected in the same manner and by the same processes as arrears of taxes are collected under *The Assessment Act*.

Rev. Stat.,  
c. 24

Refunds

6. When, in any year, any land is charged with the special frontage rate and the owner or occupant of such land is charged with and pays water rates for water supplied to such land or to any building thereon from the watermain constructed upon or within the street, lane or alley upon which such land fronts or abuts, the person or persons liable for payment of the special frontage rate shall be entitled to a refund or remission in respect of the special frontage rate equivalent in amount to the lesser of the special frontage rate and the said water rates or to one of them if both are equal.

When rate  
need not  
be levied

7. Notwithstanding sections 1 to 6, it shall not be necessary to levy or charge the special frontage rate upon any land in any year if the amount of the water rates paid by the owner or occupant of such land in the preceding year for water supplied to such land or to any building thereon from the watermain constructed upon or within the street, lane or alley upon which such land fronts or abuts is equal to or greater than the amount of the special frontage rate.

Rate in  
annexed  
area

Rev. Stat.,  
c. 215

8. Notwithstanding section 2, the period during which the special frontage rate shall be levied and charged in respect of any watermain constructed under *The Local Improvement Act* in that part of the City of Oshawa which, on the 31st day of December, 1950, formed part of the Township of East Whitby and which was annexed to the City of Oshawa on the 1st day of January, 1951, shall be that number of years which bears the same ratio to twenty years as the number of years following December 31st, 1950, during which the special assessments under *The Local Improvement Act* in respect of such watermain were to have been paid, bears to the original total number of years during which such special assessments were to have been paid.

Previous  
rates under  
Rev. Stat.,  
c. 215

9. Upon the passing of a by-law under section 1, all payments falling due after the 31st day of December, 1950, on account of special assessments heretofore imposed under *The*

*Local Improvement Act* in respect of watermains in the City of Oshawa shall be cancelled and, thereafter, no watermains or extensions of water works shall be undertaken in the City of Oshawa under *The Local Improvement Act*.

10.—(1) On and after the day this Act comes into force, the council of the City of Oshawa may pass by-laws from time to time for undertaking the construction of watermains and extensions of the water works system of the City of Oshawa, without obtaining the assent of the electors or any class thereof, provided however that, where any agricultural lands would be subject to the special frontage rate as a result of the passing of any such by-law, the owner or owners of such agricultural lands, as shown by the last revised assessment roll of the City of Oshawa, shall be notified by prepaid registered mail of the passing of such by-law and of the amount of the special frontage rate to be imposed upon such lands and no such construction shall be undertaken until after the expiration of twenty-one days from the date of mailing of such notice.

(2) Within the period of twenty-one days aforesaid, any such owner of agricultural lands may file with the clerk of the City of Oshawa his objection to the construction of the watermain or water works extension or to the imposition of the special frontage rate upon such agricultural lands and, thereupon, such construction shall not be undertaken without the approval of the Ontario Municipal Board.

(3) Upon submission to it of the by-law and the objection, the Ontario Municipal Board may direct such further or other notice or notices to be given as may to it seem proper and shall inquire into and hear the objection and may make such order in the premises as may to it seem just and proper and, more particularly, but without prejudice to the generality of the foregoing, may exempt such agricultural lands or any part thereof from the special frontage rate for such period of years as it shall determine and may, upon the application of any owner of agricultural lands, extend such period of exemption from time to time, provided however that any exemption so granted shall be terminated automatically in respect of any part of such lands when such part ceases to be used for agricultural purposes.

(4) Where any watermain has been constructed in the City of Oshawa after the 31st day of December, 1950, and prior to the day this Act comes into force and any agricultural lands have thereby been made subject to the special frontage rate, any owner of such agricultural lands may file with the clerk of the City of Oshawa his objection to the imposition of the special frontage rate upon such agricultural lands and such

objection shall thereupon be submitted by the clerk to the Ontario Municipal Board and the provisions of subsection 3 shall apply *mutatis mutandis*.

Powers  
of P.U.C.

(5) The powers conferred by this section upon the council shall, while the control and management of the water works system of the City of Oshawa is entrusted to The Public Utilities Commission of the City of Oshawa, be exercised by the Commission and not by the council and the objections mentioned in subsection 2 and 4 shall, in such case, be filed with the secretary of the Commission and not with the clerk of the City of Oshawa but nothing herein shall derogate from the powers possessed by the Commission under *The Public Utilities Act*.

Rev. Stat.,  
c. 320

Payment  
of rates to  
P.U.C.

**11.** All amounts collected in respect of special frontage rates levied and charged under this Act less refunds shall, while the control and management of the water works system of the City of Oshawa is entrusted to The Public Utilities Commission of the City of Oshawa, be paid over, after collection, to the Commission less the charges, if any, which the Council may make for the cost of collecting the rates.

1922, c. 122;  
1951, c. 110,  
s. 6, repealed

**12.** *An Act respecting the Town of Oshawa*, being chapter 122 of the Statutes of Ontario, 1922, and section 6 of *The City of Oshawa Act, 1951* are repealed.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The City of Oshawa Act, 1952*.





An Act respecting the City of Oshawa

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. THOMAS (Ontario)

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*(Private Bill)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Oshawa**

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MR. THOMAS (Ontario)

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*(Reprinted as amended by the Committee on Private Bills)*





# BILL

## An Act respecting the City of Oshawa

**W**HEREAS The Corporation of the City of Oshawa Preamble by its petition has represented that it is desirable to substitute new provisions for the provisions of *An Act respecting the Town of Oshawa*, being chapter 122 of the Statutes of Ontario, 1922, as amended by section 6 of *The City of Oshawa Act, 1951*, and, more particularly, to provide for changes in the procedure for imposing the special frontage rate for the construction of watermains authorized by the said Act and for exempting agricultural lands therefrom, and has prayed for special legislation in that respect; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to sections 2 to 11, the council of the City of Oshawa may, by by-law, levy and charge a special frontage Special rate re water-mains rate not exceeding 15 cents per foot of frontage upon all lands in the City of Oshawa, whether occupied or vacant, fronting or abutting upon streets, lanes or alleys upon or within which watermains have heretofore been or may hereafter be constructed.

2. The special frontage rate shall be an annual rate to be Idem levied and charged in each year during but not beyond a period of twenty years following construction of the watermain upon or within the street, lane or alley upon which the land on which the said rate is levied or charged fronts or abuts.

3. The council shall, by by-law, provide an equitable Exemptions method of exempting from the special frontage rate lands which front or abut upon more than one street, lane or alley upon or within which watermains have been or may be constructed and lands which are of irregular shape or unfit for building purposes or upon which, for any other reason, it would be inequitable to levy or charge the full frontage rate as aforesaid.

Change  
in rate

4. The special frontage rate may be varied from time to time by by-law passed by the council but shall not be increased to more than 15 cents per foot without the approval of the Ontario Municipal Board.

Collection  
of rate

5. The special frontage rate shall be payable at the same time and in the same manner as the general taxes of the City and, until paid, shall be a lien or charge upon the lands on which it is levied and arrears of the special frontage rate shall be subject to the same penalties and be collected in the same manner and by the same processes as arrears of taxes are collected under *The Assessment Act*.

Rev. Stat.,  
c. 24

Refunds

6. When, in any year, any land is charged with the special frontage rate and the owner or occupant of such land is charged with and pays water rates for water supplied to such land or to any building thereon from the watermain constructed upon or within the street, lane or alley upon which such land fronts or abuts, the person or persons liable for payment of the special frontage rate shall be entitled to a refund or remission in respect of the special frontage rate equivalent in amount to the lesser of the special frontage rate and the said water rates or to one of them if both are equal.

When rate  
need not  
be levied

7. Notwithstanding sections 1 to 6, it shall not be necessary to levy or charge the special frontage rate upon any land in any year if the amount of the water rates paid by the owner or occupant of such land in the preceding year for water supplied to such land or to any building thereon from the watermain constructed upon or within the street, lane or alley upon which such land fronts or abuts is equal to or greater than the amount of the special frontage rate.

Rate in  
annexed  
area

Rev. Stat.,  
c. 215

8. Notwithstanding section 2, the period during which the special frontage rate shall be levied and charged in respect of any watermain constructed under *The Local Improvement Act* in that part of the City of Oshawa which, on the 31st day of December, 1950, formed part of the Township of East Whitby and which was annexed to the City of Oshawa on the 1st day of January, 1951, shall be that number of years which bears the same ratio to twenty years as the number of years following December 31st, 1950, during which the special assessments under *The Local Improvement Act* in respect of such watermain were to have been paid, bears to the original total number of years during which such special assessments were to have been paid.

Previous  
rates under  
Rev. Stat.,  
c. 215

9. Upon the passing of a by-law under section 1, all payments falling due after the 31st day of December, 1950, on account of special assessments heretofore imposed under *The*

*Local Improvement Act* in respect of watermains in the City of Oshawa shall be cancelled and, thereafter, no watermains or extensions of water works shall be undertaken in the City of Oshawa under *The Local Improvement Act*.

10.—(1) On and after the day this Act comes into force, the council of the City of Oshawa may pass by-laws from time to time for undertaking the construction of watermains and extensions of the water works system of the City of Oshawa, without obtaining the assent of the electors or any class thereof, provided however that, where any agricultural lands would be subject to the special frontage rate as a result of the passing of any such by-law, the owner or owners of such agricultural lands, as shown by the last revised assessment roll of the City of Oshawa, shall be notified by prepaid registered mail of the passing of such by-law and of the amount of the special frontage rate to be imposed upon such lands and the special frontage shall not be imposed upon such lands until after the expiration of twenty-one days from the date of mailing of such notice.

(2) Within the period of twenty-one days aforesaid, any such owner of agricultural lands may file with the clerk of the City of Oshawa notice of appeal to the court of revision, as constituted under *The Assessment Act*, against the imposition of the special frontage rate upon such agricultural lands and, thereupon, such frontage rate shall not be imposed until such appeal has been finally determined in accordance with this section.

(3) The court of revision may direct such further or other notice or notices to be given as may to it seem proper and shall inquire into and hear the appeal and may make such order in the premises as may to it seem just and proper and, more particularly, but without prejudice to the generality of the foregoing, may exempt such agricultural lands or any part thereof from the special frontage rate for such period of years as it shall determine and may, upon the application of any owner of agricultural lands, extend such period of exemption from time to time, provided however that any exemption so granted shall be terminated automatically in respect of any part of such lands when such part ceases to be used for agricultural purposes.

(4) Where any watermain has been constructed in the City of Oshawa after the 31st day of December, 1950, and prior to the day this Act comes into force and any agricultural lands have thereby been made subject to the special frontage rate, any owner of such agricultural lands may file with the clerk of the City of Oshawa notice of appeal to the court of revision

against the imposition of the special frontage rate upon such agricultural lands and, thereupon, such frontage rate shall not be imposed until such appeal has been finally determined in accordance with this section and the provisions of subsection 3 shall apply *mutatis mutandis*.

Further  
appeals

Rev. Stat.,  
c. 24

(5) There shall be the same rights of appeal from any decision of the court of revision under subsections 3 and 4 as are provided by sections 72 and 80 of *The Assessment Act* and the words "person assessed" in such sections shall be deemed to mean "owner of agricultural lands".

Powers  
of P.U.C.

(6) The powers and rights of appeal conferred by this section upon the council or upon The Corporation of the City of Oshawa shall, while the control and management of the water works system of the City of Oshawa is entrusted to The Public Utilities Commission of the City of Oshawa, be exercised by the Commission and not by the council or Corporation and the notices of appeal mentioned in subsections 2 and 4 shall, in such case, be filed with the secretary of the Commission and not with the clerk of the City of Oshawa but nothing herein shall derogate from the powers possessed by the Commission under *The Public Utilities Act*.

Rev. Stat.,  
c. 320

Payment  
of rates to  
P.U.C.

**11.** All amounts collected in respect of special frontage rates levied and charged under this Act less refunds shall, while the control and management of the water works system of the City of Oshawa is entrusted to The Public Utilities Commission of the City of Oshawa, be paid over, after collection, to the Commission less the charges, if any, which the Council may make for the cost of collecting the rates.

1922, c. 122;  
1951, c. 110,  
s. 6, repealed

**12.** *An Act respecting the Town of Oshawa*, being chapter 122 of the Statutes of Ontario, 1922, and section 6 of *The City of Oshawa Act, 1951* are repealed.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The City of Oshawa Act, 1952*.





*1st Reading*

March 4th, 1952

*2nd Reading*

*3rd Reading*

---

MR. THOMAS (Ontario)

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*(Reprinted as amended by the Committee on  
Private Bills)*



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Oshawa**

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MR. THOMAS (Ontario)

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# BILL

## An Act respecting the City of Oshawa

**W**HEREAS The Corporation of the City of Oshawa Preamble by its petition has represented that it is desirable to substitute new provisions for the provisions of *An Act respecting the Town of Oshawa*, being chapter 122 of the Statutes of Ontario, 1922, as amended by section 6 of *The City of Oshawa Act, 1951*, and, more particularly, to provide for changes in the procedure for imposing the special frontage rate for the construction of watermains authorized by the said Act and for exempting agricultural lands therefrom, and has prayed for special legislation in that respect; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to sections 2 to 11, the council of the City of Oshawa may, by by-law, levy and charge a special frontage rate not exceeding 15 cents per foot of frontage upon all lands in the City of Oshawa, whether occupied or vacant, fronting or abutting upon streets, lanes or alleys upon or within which watermains have heretofore been or may hereafter be constructed. Special rate re water-mains

2. The special frontage rate shall be an annual rate to be levied and charged in each year during but not beyond a period of twenty years following construction of the watermain upon or within the street, lane or alley upon which the land on which the said rate is levied or charged fronts or abuts. Idem

3. The council shall, by by-law, provide an equitable method of exempting from the special frontage rate lands which front or abut upon more than one street, lane or alley upon or within which watermains have been or may be constructed and lands which are of irregular shape or unfit for building purposes or upon which, for any other reason, it would be inequitable to levy or charge the full frontage rate as aforesaid. Exemptions

Change  
in rate

4. The special frontage rate may be varied from time to time by by-law passed by the council but shall not be increased to more than 15 cents per foot without the approval of the Ontario Municipal Board.

Collection  
of rate

5. The special frontage rate shall be payable at the same time and in the same manner as the general taxes of the City and, until paid, shall be a lien or charge upon the lands on which it is levied and arrears of the special frontage rate shall be subject to the same penalties and be collected in the same manner and by the same processes as arrears of taxes are collected under *The Assessment Act*.

Rev. Stat.,  
c. 24

Refunds

6. When, in any year, any land is charged with the special frontage rate and the owner or occupant of such land is charged with and pays water rates for water supplied to such land or to any building thereon from the watermain constructed upon or within the street, lane or alley upon which such land fronts or abuts, the person or persons liable for payment of the special frontage rate shall be entitled to a refund or remission in respect of the special frontage rate equivalent in amount to the lesser of the special frontage rate and the said water rates or to one of them if both are equal.

When rate  
need not  
be levied

7. Notwithstanding sections 1 to 6, it shall not be necessary to levy or charge the special frontage rate upon any land in any year if the amount of the water rates paid by the owner or occupant of such land in the preceding year for water supplied to such land or to any building thereon from the watermain constructed upon or within the street, lane or alley upon which such land fronts or abuts is equal to or greater than the amount of the special frontage rate.

Rate in  
annexed  
area

Rev. Stat.,  
c. 215

8. Notwithstanding section 2, the period during which the special frontage rate shall be levied and charged in respect of any watermain constructed under *The Local Improvement Act* in that part of the City of Oshawa which, on the 31st day of December, 1950, formed part of the Township of East Whitby and which was annexed to the City of Oshawa on the 1st day of January, 1951, shall be that number of years which bears the same ratio to twenty years as the number of years following December 31st, 1950, during which the special assessments under *The Local Improvement Act* in respect of such watermain were to have been paid, bears to the original total number of years during which such special assessments were to have been paid.

Previous  
rates under  
Rev. Stat.,  
c. 215

9. Upon the passing of a by-law under section 1, all payments falling due after the 31st day of December, 1950, on account of special assessments heretofore imposed under *The*

*Local Improvement Act* in respect of watermains in the City of Oshawa shall be cancelled and, thereafter, no watermains or extensions of water works shall be undertaken in the City of Oshawa under *The Local Improvement Act*.

10.—(1) On and after the day this Act comes into force, <sup>Construction; agricultural lands</sup> the council of the City of Oshawa may pass by-laws from time to time for undertaking the construction of watermains and extensions of the water works system of the City of Oshawa, without obtaining the assent of the electors or any class thereof, provided however that, where any agricultural lands would be subject to the special frontage rate as a result of the passing of any such by-law, the owner or owners of such agricultural lands, as shown by the last revised assessment roll of the City of Oshawa, shall be notified by prepaid registered mail of the passing of such by-law and of the amount of the special frontage rate to be imposed upon such lands and the special frontage shall not be imposed upon such lands until after the expiration of twenty-one days from the date of mailing of such notice.

(2) Within the period of twenty-one days aforesaid, any <sup>Appeal</sup> such owner of agricultural lands may file with the clerk of the City of Oshawa notice of appeal to the court of revision, as constituted under *The Assessment Act*, against the imposition <sup>Rev. Stat., c. 24</sup> of the special frontage rate upon such agricultural lands and, thereupon, such frontage rate shall not be imposed until such appeal has been finally determined in accordance with this section.

(3) The court of revision may direct such further or other <sup>Authority of court of revision</sup> notice or notices to be given as may to it seem proper and shall inquire into and hear the appeal and may make such order in the premises as may to it seem just and proper and, more particularly, but without prejudice to the generality of the foregoing, may exempt such agricultural lands or any part thereof from the special frontage rate for such period of years as it shall determine and may, upon the application of any owner of agricultural lands, extend such period of exemption from time to time, provided however that any exemption so granted shall be terminated automatically in respect of any part of such lands when such part ceases to be used for agricultural purposes.

(4) Where any watermain has been constructed in the City <sup>Previous watermains; agricultural lands</sup> of Oshawa after the 31st day of December, 1950, and prior to the day this Act comes into force and any agricultural lands have thereby been made subject to the special frontage rate, any owner of such agricultural lands may file with the clerk of the City of Oshawa notice of appeal to the court of revision



against the imposition of the special frontage rate upon such agricultural lands and, thereupon, such frontage rate shall not be imposed until such appeal has been finally determined in accordance with this section and the provisions of subsection 3 shall apply *mutatis mutandis*.

Further  
appeals

Rev. Stat.,  
c. 24

(5) There shall be the same rights of appeal from any decision of the court of revision under subsections 3 and 4 as are provided by sections 72 and 80 of *The Assessment Act* and the words "person assessed" in such sections shall be deemed to mean "owner of agricultural lands".

Powers  
of P.U.C.

Rev. Stat.,  
c. 320

Payment  
of rates to  
P.U.C.

(6) The powers and rights of appeal conferred by this section upon the council or upon The Corporation of the City of Oshawa shall, while the control and management of the water works system of the City of Oshawa is entrusted to The Public Utilities Commission of the City of Oshawa, be exercised by the Commission and not by the council or Corporation and the notices of appeal mentioned in subsections 2 and 4 shall, in such case, be filed with the secretary of the Commission and not with the clerk of the City of Oshawa but nothing herein shall derogate from the powers possessed by the Commission under *The Public Utilities Act*.

**11.** All amounts collected in respect of special frontage rates levied and charged under this Act less refunds shall, while the control and management of the water works system of the City of Oshawa is entrusted to The Public Utilities Commission of the City of Oshawa, be paid over, after collection, to the Commission less the charges, if any, which the Council may make for the cost of collecting the rates.

1922, c. 122;  
1951, c. 110,  
s. 6, repealed

**12.** *An Act respecting the Town of Oshawa*, being chapter 122 of the Statutes of Ontario, 1922, and section 6 of *The City of Oshawa Act, 1951* are repealed.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The City of Oshawa Act, 1952*.





An Act respecting the City of Oshawa

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*1st Reading*

March 4th, 1952

*2nd Reading*

March 28th, 1952

*3rd Reading*

March 31st, 1952

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MR. THOMAS (Ontario)

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Town of Orillia

---

MR. MCPHEE

---

(PRIVATE BILL)



# BILL

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, The Cor- <sup>Power agreement</sup>poration of the Town of Orillia and The Hydro-Electric Power Commission of Ontario may enter into an agreement for the purchase of power from the Commission under such terms and in such amounts and for such periods of time as may be agreeable to the Corporation and the Commission.
2. This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent. <sup>ment</sup>
3. This Act may be cited as *The Town of Orillia Act, 1952*. <sup>Short title</sup>

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. MCPHEE

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
An Act respecting the Town of Orillia

---

MR. MCPHEE

---

*(Reprinted for consideration by the Committee on Private Bills)*





# BILL

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding section 74 of *The Power Commission Act*, the agreement between The Hydro-Electric Power Commission of Ontario and Orillia Water, Light and Power Commission, dated the 20th day of March, 1952, set forth as the Schedule hereto, is ratified and confirmed and declared to be legal, valid and binding on the parties thereto. <sup>Hydro agreement confirmed  
Rev. Stat., c. 281</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Town of Orillia Act, 1952*. <sup>Short title</sup>

## SCHEDULE

THIS AGREEMENT made in duplicate this 20th day of March, A.D. 1952.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission",

OF THE FIRST PART,

—and—

ORILLIA WATER, LIGHT AND POWER COMMISSION,  
hereinafter called the "Customer",

OF THE SECOND PART.

WHEREAS the Customer has applied to the Commission for a supply of electrical power and the Commission is willing to supply the same on the terms and conditions herein contained, all under the provisions of *The Power Commission Act*, R.S.O. 1950, Chapter 281 and amendments thereto, and the enabling legislation hereinafter referred to:

NOW THEREFORE THIS INDENTURE WITNESSETH that subject to the said Act and enabling legislation, and for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. THE COMMISSION AGREES:

(a) To reserve for and deliver to the Customer at the earliest possible date up to a maximum amount of One Thousand Five Hundred Kilowatts (1500 Kw) of electrical power as required by the Customer hereunder;

1. (b) To use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Customer;

1. (c) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for herein to the Customer at the point of delivery herein defined as the dead-ending point on the Commission's transmission line at the Customer's Swift Rapids Plant, or at such other point that is mutually agreeable.

2. THE CUSTOMER AGREES TO:

(a) Take the power covered by this agreement and to prepare for the receipt and use of the said power so as to be able to receive power when the Commission is ready to deliver the same;

2. (b) Pay to the Commission for power hereunder in monthly payments at the rate of Forty-two Dollars (\$42.00) per Kilowatt per annum, such monthly payments being based on the monthly kilowatt demand for the month as determined at the point of measurement hereinafter defined and the said monthly kilowatt demand being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in the month determined from coincident readings of the meters hereinafter referred to.

3. If in any month the power taken hereunder exceeds One Thousand Five Hundred Kilowatts (1500 Kw) with or without correction for excess load factor under clause 7, the operators of the Commission may notify the operators of the Customer either by telephone or otherwise and the Customer shall forthwith discontinue taking such excess power. If during any month power is taken in excess of One Thousand Five Hundred Kilowatts (1500 Kw) the Customer shall pay for power for such month as if the said excess had been taken for the whole month but such taking and payment shall not be deemed to be an authorization to the Customer to take excess power at any future time.

4. In any event the Customer shall pay to the Commission for power hereunder for each month as a minimum a charge at the rate set forth in clause 2 (b) for the greatest kilowatt demand for any previous month not in excess of One Thousand Five Hundred Kilowatts (1500 Kw) or a charge at the said rate for One Thousand Kilowatts (1000 Kw), whichever charge is the greater.

5. All amounts payable by the Customer in lawful money of Canada shall be paid at the offices of the Commission in Toronto. Bills shall be rendered by the Commission on or before the Fifteenth day and paid by the Customer on or before the Twenty-fifth day of each month. If any bill remains unpaid for thirty (30) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until said bill is paid. No such discontinuance shall relieve the Customer from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the rate of five per cent (5%) per annum.

6. THE CUSTOMER AGREES TO:

(a) Take power exclusively from the Commission during the continuance of this agreement; provided, however, that the Customer may continue to generate and distribute power for its own use and the use of its customers within the scope of its statutory powers so long as it complies with the requirements of clause 6 (b) hereof;

(b) Synchronize and operate its generating plants in parallel with the Commission's system in a manner satisfactory to the Commission, and also to operate the said generating plants in a manner satisfactory to the Commission in respect of utilizing their facilities to the maximum available from time to time for power thereby developed which shall be at a load factor at least as high as the daily load factor of power supplied by the Commission hereunder; to refrain from taking power hereunder in such manner that the energy taken during any day shall be in excess of a load factor for that day of Seventy per cent (70%) on the kilowatt demand for that day, the kilowatt demand for any day being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in that day determined from coincident readings of the said meters, subject to power factor correction; and also to refrain from taking power hereunder in such manner that the energy taken during any month shall be in excess of a monthly load factor of Sixty per cent (60%) on the amount of power for which the Customer pays for such month.

7. If the Customer during any month, takes energy in excess of a load factor of Sixty per cent (60%) on the kilowatt demand for such month, such kilowatt demand shall be deemed to have been increased thereby for all the purposes of this agreement in accordance with the following factor:—

Kilowatt demand  
for the month

\*The number expressing in percentage  
the said load factor at which power was  
taken for the month.

60

8. The point of measuring the power covered by this agreement shall be at the switchboard in the Commission's Big Chute Generating Station and no correction or adjustment shall be made by reason of the measuring equipment being connected at other than the point of delivery, this having been taken into consideration in agreeing upon the price of power hereunder.

9. Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters. The measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission. The Customer shall have the right to test any such measuring equipment in the presence



of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment.

10. If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by an operator of the Commission and the Customer shall immediately remedy the said failure. In case of continued failure for more than fifteen (15) minutes after notice, the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur. The Customer shall forthwith designate in writing to the Commission to what employee the said notice under this clause 10 is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer.

#### 11. THE CUSTOMER AGREES TO:

(a) At all times to take and use the electrical power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is unity, but when this is not possible the Customer shall pay for ninety per cent (90%) of the maximum kilovolt amperes (considered as true power or kilowatts) when the said ninety per cent (90%) is in excess of the maximum kilowatts taken; the maximum in kilowatts or kilovolt amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes;

11. (b) Use at all times first-class, suitable standard commercial apparatus and plant to be approved by the Commission and to operate and maintain the apparatus and plant so as not to cause more than minimum disturbance or fluctuation to the Commission's supply, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Customer.

12. The power shall be alternating, three-phase, having a frequency of approximately Sixty (60) cycles per second and a nominal voltage of approximately Twenty-three Thousand (23,000) volts, subject to normal variations from the said voltage of approximately ten per cent (10%) and from the said frequency of approximately five per cent (5%);

"Power" shall mean electrical power and except where the context requires a different meaning shall mean also and include "energy";

One Kilowatt shall be equivalent to One Thousand Watts (1,000 W.).

12. (b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all operating obligations of the Commission hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Customer and the Customer's agents, apparatus, appliances and circuits;

12. (c) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control, including without limiting the generality thereof, strike, lock-out, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the Queen's enemies and act of God, then the Commission shall not be bound to deliver such power during such time; The Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interrup-

tion is removed the Commission shall without any delay deliver the said power; such interruption shall not release the Customer from any obligation under this agreement;

12. (d) The Commission shall have the right at reasonable times, and when possible after reasonable notice has been given to the Customer, to discontinue the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the Commission's apparatus, equipment, or works, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Customer; such interruptions shall not release the Customer from any obligation under this agreement.

13. The engineers of the Commission or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the Customer, and take records at all reasonable hours.

14. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

15. Any waiver by either party or failure to exercise any rights or enforce any remedy shall be limited to the particular instance and shall not operate or be deemed to extend to any other matter under this agreement or in any way affect the validity of this agreement.

16. This agreement shall become effective only if ratified by Act of the Ontario Legislature within a period of one year from the date hereof and if and when so ratified, shall remain in force for a period of Two (2) years commencing from the date such ratifying Act comes into force, or the 1st day of September, A.D. 1952, whichever date shall be later.

IN WITNESS WHEREOF the Commission and the Customer have caused this agreement to be executed under their corporate seals attested by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO

ROBERT H. SAUNDERS,  
*Chairman.*

(Seal)

E. B. EASSON,  
*Secretary.*

ORILLIA WATER, LIGHT AND  
POWER COMMISSION

E. L. CAVANA,  
*Chairman.*

(Seal)

G. H. BONGARD,  
*Secretary-Treasurer.*

An Act respecting the Town of Orillia

---

*1st Reading*

March 11th, 1952

*2nd Reading*

*3rd Reading*

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MR. MCPHEE

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*(Reprinted for consideration by the Committee  
on Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the Town of Orillia**

---

MR. MCPHEE

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No. 21

1952

# BILL

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia by <sup>Preamble</sup>  
its petition has prayed for special legislation in respect  
of the matter hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Notwithstanding section 74 of *The Power Commission* <sup>Hydro agreement confirmed</sup>  
*Act*, the agreement between The Hydro-Electric Power Com-  
mission of Ontario and Orillia Water, Light and Power Com- <sup>Rev. Stat., c. 281</sup>  
mission, dated the 20th day of March, 1952, set forth as the  
Schedule hereto, is ratified and confirmed and declared to be  
legal, valid and binding on the parties thereto.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Town of Orillia Act, 1952*. <sup>Short title</sup>

## SCHEDULE

THIS AGREEMENT made in duplicate this 20th day of March, A.D. 1952.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission",

OF THE FIRST PART,

—and—

ORILLIA WATER, LIGHT AND POWER COMMISSION,  
hereinafter called the "Customer",

OF THE SECOND PART.

WHEREAS the Customer has applied to the Commission for a supply of electrical power and the Commission is willing to supply the same on the terms and conditions herein contained, all under the provisions of *The Power Commission Act*, R.S.O. 1950, Chapter 281 and amendments thereto, and the enabling legislation hereinafter referred to:

NOW THEREFORE THIS INDENTURE WITNESSETH that subject to the said Act and enabling legislation, and for the considerations herein contained the parties hereto covenant, promise and agree as follows:—

1. THE COMMISSION AGREES:

(a) To reserve for and deliver to the Customer at the earliest possible date up to a maximum amount of One Thousand Five Hundred Kilowatts (1500 Kw) of electrical power as required by the Customer hereunder;

1. (b) To use at all times first-class, suitable standard commercial apparatus and plant and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Customer;

1. (c) To deliver commercially continuous twenty-four (24) hour power every day in the year except as provided for herein to the Customer at the point of delivery herein defined as the dead-ending point on the Commission's transmission line at the Customer's Swift Rapids Plant, or at such other point that is mutually agreeable.

2. THE CUSTOMER AGREES TO:

(a) Take the power covered by this agreement and to prepare for the receipt and use of the said power so as to be able to receive power when the Commission is ready to deliver the same;

2. (b) Pay to the Commission for power hereunder in monthly payments at the rate of Forty-two Dollars (\$42.00) per Kilowatt per annum, such monthly payments being based on the monthly kilowatt demand for the month as determined at the point of measurement hereinafter defined and the said monthly kilowatt demand being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in the month determined from co-incident readings of the meters hereinafter referred to.

3. If in any month the power taken hereunder exceeds One Thousand Five Hundred Kilowatts (1500 Kw) with or without correction for excess load factor under clause 7, the operators of the Commission may notify the operators of the Customer either by telephone or otherwise and the Customer shall forthwith discontinue taking such excess power. If during any month power is taken in excess of One Thousand Five Hundred Kilowatts (1500 Kw) the Customer shall pay for power for such month as if the said excess had been taken for the whole month but such taking and payment shall not be deemed to be an authorization to the Customer to take excess power at any future time.

4. In any event the Customer shall pay to the Commission for power hereunder for each month as a minimum a charge at the rate set forth in clause 2 (b) for the greatest kilowatt demand for any previous month not in excess of One Thousand Five Hundred Kilowatts (1500 Kw) or a charge at the said rate for One Thousand Kilowatts (1000 Kw), whichever charge is the greater.

5. All amounts payable by the Customer in lawful money of Canada shall be paid at the offices of the Commission in Toronto. Bills shall be rendered by the Commission on or before the Fifteenth day and paid by the Customer on or before the Twenty-fifth day of each month. If any bill remains unpaid for thirty (30) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Customer until said bill is paid. No such discontinuance shall relieve the Customer from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the rate of five per cent (5%) per annum.

6. THE CUSTOMER AGREES TO:

(a) Take power exclusively from the Commission during the continuance of this agreement; provided, however, that the Customer may continue to generate and distribute power for its own use and the use of its customers within the scope of its statutory powers so long as it complies with the requirements of clause 6 (b) hereof;

(b) Synchronize and operate its generating plants in parallel with the Commission's system in a manner satisfactory to the Commission, and also to operate the said generating plants in a manner satisfactory to the Commission in respect of utilizing their facilities to the maximum available from time to time for power thereby developed which shall be at a load factor at least as high as the daily load factor of power supplied by the Commission hereunder; to refrain from taking power hereunder in such manner that the energy taken during any day shall be in excess of a load factor for that day of Seventy per cent (70%) on the kilowatt demand for that day, the kilowatt demand for any day being the greatest average or integrated amount of power delivered to or taken by the Customer for any twenty (20) consecutive minutes in that day determined from coincident readings of the said meters, subject to power factor correction; and also to refrain from taking power hereunder in such manner that the energy taken during any month shall be in excess of a monthly load factor of Sixty per cent (60%) on the amount of power for which the Customer pays for such month.

7. If the Customer during any month, takes energy in excess of a load factor of Sixty per cent (60%) on the kilowatt demand for such month, such kilowatt demand shall be deemed to have been increased thereby for all the purposes of this agreement in accordance with the following factor:—

Kilowatt demand  
for the month

\*The number expressing in percentage  
the said load factor at which power was  
taken for the month.

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60

8. The point of measuring the power covered by this agreement shall be at the switchboard in the Commission's Big Chute Generating Station and no correction or adjustment shall be made by reason of the measuring equipment being connected at other than the point of delivery, this having been taken into consideration in agreeing upon the price of power hereunder.

9. Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters. The measuring equipment including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission. The Customer shall have the right to test any such measuring equipment in the presence



of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Customer's desire to test such measuring equipment.

10. If the Customer at any time fails in the performance of any of its obligations affecting electrical operation under this agreement including, without limiting the generality of the foregoing, taking power in excess of the maximum under this agreement or failing to operate as required in this agreement, then the Commission may give notice thereof to the Customer, which notice may be given by telephone to an employee of the Customer by an operator of the Commission and the Customer shall immediately remedy the said failure. In case of continued failure for more than fifteen (15) minutes after notice, the Commission may discontinue delivery to the Customer of all power or of any part thereof and shall not be obliged to resume delivery to the Customer until the Customer shall have given to the Commission sufficient assurance that such failure will not recur. The Customer shall forthwith designate in writing to the Commission to what employee the said notice under this clause 10 is to be given, and in default of such designation or in the event of the said employee not being immediately available to receive such notice the said notice may be given by telephone or otherwise to any other employee of the Customer.

#### 11. THE CUSTOMER AGREES TO:

(a) At all times to take and use the electrical power in such manner that the ratio of the kilowatts to the kilovolt amperes (read simultaneously) is unity, but when this is not possible the Customer shall pay for ninety per cent (90%) of the maximum kilovolt amperes (considered as true power or kilowatts) when the said ninety per cent (90%) is in excess of the maximum kilowatts taken; the maximum in kilowatts or kilovolt amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes;

11. (b) Use at all times first-class, suitable standard commercial apparatus and plant to be approved by the Commission and to operate and maintain the apparatus and plant so as not to cause more than minimum disturbance or fluctuation to the Commission's supply, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Customer.

12. The power shall be alternating, three-phase, having a frequency of approximately Sixty (60) cycles per second and a nominal voltage of approximately Twenty-three Thousand (23,000) volts, subject to normal variations from the said voltage of approximately ten per cent (10%) and from the said frequency of approximately five per cent (5%);

"Power" shall mean electrical power and except where the context requires a different meaning shall mean also and include "energy";

One Kilowatt shall be equivalent to One Thousand Watts (1,000 W.).

12. (b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all operating obligations of the Commission hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Customer and the Customer's agents, apparatus, appliances and circuits;

12. (c) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by any cause reasonably beyond the Commission's control, including without limiting the generality thereof, strike, lock-out, riot, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, the Queen's enemies and act of God, then the Commission shall not be bound to deliver such power during such time; The Commission shall be prompt and diligent in removing the cause of such interruption and as soon as the cause of such interrup-

tion is removed the Commission shall without any delay deliver the said power; such interruption shall not release the Customer from any obligation under this agreement;

12. (d) The Commission shall have the right at reasonable times, and when possible after reasonable notice has been given to the Customer, to discontinue the supply of power to the Customer for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the Commission's apparatus, equipment, or works, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Customer; such interruptions shall not release the Customer from any obligation under this agreement.

13. The engineers of the Commission or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the Customer, and take records at all reasonable hours.

14. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

15. Any waiver by either party or failure to exercise any rights or enforce any remedy shall be limited to the particular instance and shall not operate or be deemed to extend to any other matter under this agreement or in any way affect the validity of this agreement.

16. This agreement shall become effective only if ratified by Act of the Ontario Legislature within a period of one year from the date hereof and if and when so ratified, shall remain in force for a period of Two (2) years commencing from the date such ratifying Act comes into force, or the 1st day of September, A.D. 1952, whichever date shall be later.

IN WITNESS WHEREOF the Commission and the Customer have caused this agreement to be executed under their corporate seals attested by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO

ROBERT H. SAUNDERS,  
*Chairman.*

(Seal)

E. B. EASSON,  
*Secretary.*

ORILLIA WATER, LIGHT AND  
POWER COMMISSION

E. L. CAVANA,  
*Chairman.*

(Seal)

G. H. BONGARD,  
*Secretary-Treasurer.*

An Act respecting the Town of Orillia

*1st Reading*

March 11th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

March 31st, 1952

MR. MCPHEE



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Young Men's Christian  
Association of Belleville

---

MR. SANDERCOCK

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(PRIVATE BILL)



No. 22

1952

# BILL

## An Act respecting the Young Men's Christian Association of Belleville

**W**HEREAS the Young Men's Christian Association of Belleville by its petition has represented that it was incorporated under *An Act to incorporate the Young Men's Christian Association of Belleville*, being chapter 142 of the Statutes of Ontario, 1911; and that the objects of the Association are the improving of the spiritual, moral, social, educational and physical life of its members and others; and that by the said Act the lands of the Association are exempt in certain respects from taxation; and that it is desirable that the lands and other assets of the Association should be exempt from taxation for all purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of the said *An Act to incorporate the Young Men's Christian Association of Belleville* is amended by striking out the words "and, to the extent of one hundred thousand dollars in value, the same shall be exempt from taxation for all purposes except for School purposes and Local Improvements and except as provided by subsection (2)" in the third, fourth, fifth, sixth and seventh lines.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefore:

(2) The buildings, lands, equipment and undertaking of the Association so long as they are occupied by, used and carried on for the purpose of the Association, shall be exempt from taxation for all purposes.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Young Men's Christian Association of Belleville Act, 1952*.

An Act respecting the Young Men's  
Christian Association of Belleville

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. SANDERCOCK

*(Private Bill)*

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

An Act respecting the Young Men's Christian  
Association of Belleville

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MR. SANDERCOCK

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the Young Men's Christian Association of Belleville

**W**HEREAS the Young Men's Christian Association of Belleville by its petition has represented that it was incorporated under *An Act to incorporate the Young Men's Christian Association of Belleville*, being chapter 142 of the Statutes of Ontario, 1911; and that the objects of the Association are the improving of the spiritual, moral, social, educational and physical life of its members and others; and that by the said Act the lands of the Association are exempt in certain respects from taxation; and that it is desirable that provision be made for exemption from taxation, by municipal by-law, for all purposes except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of the said *An Act to incorporate the Young Men's Christian Association of Belleville* is amended by striking out the words "and, to the extent of one hundred thousand dollars in value, the same shall be exempt from taxation for all purposes except for School purposes and Local Improvements and except as provided by subsection (2)" in the third, fourth, fifth, sixth and seventh lines.

Preamble

1911,  
c. 142, s. 7,  
subs. 1,  
amended

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefore:

1911,  
c. 142, s. 7,  
subs. 2,  
re-enacted

(2) The council of a municipality may pass by-laws exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law.

Tax  
Exemption  
Rev. Stat.,  
c. 24

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Young Men's Christian Association of Belleville Act, 1952*.

Short title



An Act respecting the Young Men's  
Christian Association of Belleville

---

*1st Reading*

March 6th, 1952

*2nd Reading*

*3rd Reading*

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MR. SANDERCOCK

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(Reprinted as amended by the Committee  
on Private Bills)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

**An Act respecting the Young Men's Christian  
Association of Belleville**

---

MR. SANDERCOCK

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Young Men's Christian Association of Belleville

**W**HEREAS the Young Men's Christian Association of Belleville by its petition has represented that it was incorporated under *An Act to incorporate the Young Men's Christian Association of Belleville*, being chapter 142 of the Statutes of Ontario, 1911; and that the objects of the Association are the improving of the spiritual, moral, social, educational and physical life of its members and others; and that by the said Act the lands of the Association are exempt in certain respects from taxation; and that it is desirable that provision be made for exemption from taxation, by municipal by-law, for all purposes except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of the said *An Act to incorporate the Young Men's Christian Association of Belleville* <sup>1911, c. 142, s. 7, subs. 1, amended</sup> is amended by striking out the words "and, to the extent of one hundred thousand dollars in value, the same shall be exempt from taxation for all purposes except for School purposes and Local Improvements and except as provided by subsection (2)" in the third, fourth, fifth, sixth and seventh lines.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefore: <sup>1911, c. 142, s. 7, subs. 2, re-enacted</sup>

(2) The council of a municipality may pass by-laws <sup>Tax Exemption</sup> exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law. <sup>Rev. Stat., c. 24</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

3. This Act may be cited as *The Young Men's Christian Association of Belleville Act, 1952*. <sup>Short title</sup>

An Act respecting the Young Men's  
Christian Association of Belleville

---

*1st Reading*

March 6th, 1952

*2nd Reading*

March 24th, 1952

*3rd Reading*

March 27th, 1952

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MR. SANDERCOCK

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the Township of Pelee**

---

MR. MURDOCH

---

(PRIVATE BILL)





# BILL

## An Act respecting the Township of Pelee

**W**HEREAS The Corporation of the Township of Pelee by Preamble  
 its petition has represented that the revenues received  
 from the issue of hunting licences under the Township by-law  
 passed under *The Game and Fisheries Act* are substantial and Rev. Stat.,  
c. 153  
 have recently exceeded the other revenues of the Township;  
 and whereas the Corporation has prayed for special legislation  
 to empower the council of the Corporation to expend part of  
 the revenues from such hunting licences for aid to drainage  
 works, for aid to the local municipal telephone system, or  
 for any of the purposes for which municipal councils are  
 empowered by *The Municipal Act* to make grants or pay out Rev. Stat.,  
c. 243  
 moneys; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.** The council of The Corporation of the Township of Expenditure  
of revenue  
from hunting  
licences  
 Pelee may, without the assent of the electors, expend in  
 any year from revenues obtained from the issue of hunting  
 licences under the Township by-law passed under *The Game  
 and Fisheries Act* and in effect in such year, a sum not exceeding  
 \$10,000 for aid to drainage works, for aid to the local municipal  
 telephone system, or for any of the purposes for which municipal  
 councils are empowered by *The Municipal Act*, with the  
 assent of the electors or otherwise, to make grants or pay out  
 moneys.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment  
 Assent.

**3.** This Act may be cited as *The Township of Pelee Act*, Short title  
 1952.

An Act respecting the Township of Pelée

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. MURDOCH

*(Private Bill)*

Bill

AN ACT RESPECTING THE TOWNSHIP OF PELÉE

W

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the Township of Pelee**

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MR. MURDOCH

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# BILL

## An Act respecting the Township of Pelee

**W**HEREAS The Corporation of the Township of Pelee by Preamble  
its petition has represented that the revenues received  
from the issue of hunting licences under the Township by-law  
passed under *The Game and Fisheries Act* are substantial and Rev. Stat.,  
c. 153  
have recently exceeded the other revenues of the Township;  
and whereas the Corporation has prayed for special legislation  
to empower the council of the Corporation to expend part of  
the revenues from such hunting licences for aid to drainage  
works, for aid to the local municipal telephone system, or  
for any of the purposes for which municipal councils are  
empowered by *The Municipal Act* to make grants or pay out Rev. Stat.,  
c. 243  
moneys; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The council of The Corporation of the Township of Expenditure  
of revenue  
from hunting  
licences  
Pelee may, without the assent of the electors, expend in  
any year from revenues obtained from the issue of hunting  
licences under the Township by-law passed under *The Game  
and Fisheries Act* and in effect in such year, a sum not exceeding  
\$10,000 for aid to drainage works, for aid to the local municipal  
telephone system, or for any of the purposes for which municip-  
al councils are empowered by *The Municipal Act*, with the  
assent of the electors or otherwise, to make grants or pay out  
moneys.

2. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

3. This Act may be cited as *The Township of Pelee Act*, Short title  
1952.

An Act respecting the Township of Pelée

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*1st Reading*

March 11th, 1952

*2nd Reading*

March 24th, 1952

*3rd Reading*

March 27th, 1952

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MR. MURDOCH

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

An Act respecting The Grand Lodge of Ontario  
of the Independent Order of Odd Fellows

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MR. WARDROPE

---

(PRIVATE BILL)





No. 24

1952

# BILL

## An Act respecting The Grand Lodge of Ontario of the Independent Order of Odd Fellows

**W**HEREAS The Grand Lodge of Ontario of the Inde- Preamble  
pendent Order of Odd Fellows, hereinafter called the  
Grand Lodge, by its petition has represented that by *The* 1929, c. 131  
*Grand Lodge of Ontario of the Independent Order of Odd Fellows*  
*Act, 1929* certain rights, powers and privileges of the Grand  
Lodge were defined and the Grand Lodge was declared to be a  
mutual benefit society; and that as such the Grand Lodge  
would be entitled to hold real property for the maintenance of  
its head office; and that for many years the Grand Lodge has  
maintained its head office at 229 College Street, in the City  
of Toronto, in the building owned by the I.O.O.F. Hall  
Association of Toronto Limited, a company incorporated  
under *The Companies Act* with a capitalization of 5,000  
shares of \$20 each; and that by reason of its long tenancy in  
the said building and of the further fact that continued  
occupation could be assured through the acquisition of the  
capital stock of the I.O.O.F. Hall Association of Toronto  
Limited at much less cost than the purchase of land and the  
erection of a new building; and that through bequests and  
otherwise the Grand Lodge has already become possessed of a  
quantity of the capital stock of the I.O.O.F. Hall Association  
of Toronto Limited; and whereas the Grand Lodge has  
prayed that an Act be passed to authorize the Grand Lodge  
to hold the shares already acquired and to acquire additional  
shares of the I.O.O.F. Hall Association of Toronto Limited;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Notwithstanding the provisions of *The Insurance Act*, Holding and  
purchase of  
certain  
shares  
*The Companies Act* or any other general Act in conflict here-  
with, The Grand Lodge of Ontario of the Independent Order  
of Odd Fellows may continue to hold the shares of the capital  
stock of the I.O.O.F. Hall Association of Toronto Limited  
now held and may use its funds set aside for the general Rev. Stat.,  
cc. 183, 59

purposes of the Grand Lodge and not impressed with any specific trusts to acquire additional shares of the capital stock of the I.O.O.F. Hall Association of Toronto Limited.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Grand Lodge of Ontario, I.O.O.F., Act, 1952.*







An Act respecting The Grand Lodge of  
Ontario of the Independent Order  
of Odd Fellows

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. WARDROPE

---

(*Private Bill*)



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting The Grand Lodge of Ontario  
of the Independent Order of Odd Fellows

---

MR. WARDROPE

---



No. 24

1952

# BILL

## An Act respecting The Grand Lodge of Ontario of the Independent Order of Odd Fellows

**W**HEREAS The Grand Lodge of Ontario of the Inde- Preamble  
pendent Order of Odd Fellows, hereinafter called the  
Grand Lodge, by its petition has represented that by *The* 1929, c. 131  
*Grand Lodge of Ontario of the Independent Order of Odd Fellows*  
*Act, 1929* certain rights, powers and privileges of the Grand  
Lodge were defined and the Grand Lodge was declared to be a  
mutual benefit society; and that as such the Grand Lodge  
would be entitled to hold real property for the maintenance of  
its head office; and that for many years the Grand Lodge has  
maintained its head office at 229 College Street, in the City  
of Toronto, in the building owned by The I.O.O.F. Hall  
Association of Toronto Limited, a company incorporated  
under *The Companies Act* with a capitalization of 5,000  
shares of \$20 each; and that by reason of its long tenancy in  
the said building and of the further fact that continued  
occupation could be assured through the acquisition of the  
capital stock of The I.O.O.F. Hall Association of Toronto  
Limited at much less cost than the purchase of land and the  
erection of a new building; and that through bequests and  
otherwise the Grand Lodge has already become possessed of a  
quantity of the capital stock of The I.O.O.F. Hall Association  
of Toronto Limited; and whereas the Grand Lodge has  
prayed that an Act be passed to authorize the Grand Lodge  
to hold the shares already acquired and to acquire additional  
shares of The I.O.O.F. Hall Association of Toronto Limited;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Notwithstanding the provisions of *The Insurance Act*, Holding and  
*The Companies Act* or any other general Act in conflict here- purchase of  
with, The Grand Lodge of Ontario of the Independent Order certain  
of Odd Fellows may continue to hold the shares of the capital shares  
stock of The I.O.O.F. Hall Association of Toronto Limited  
now held and may use its funds set aside for the general  
Rev. Stat.,  
cc. 183, 59

purposes of the Grand Lodge and not impressed with any specific trusts to acquire additional shares of the capital stock of The I.O.O.F. Hall Association of Toronto Limited.

**Commence-  
ment**

**2.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**3.** This Act may be cited as *The Grand Lodge of Ontario, I.O.O.F., Act, 1952.*









An Act respecting The Grand Lodge of  
Ontario of the Independent Order  
of Odd Fellows

---

*1st Reading*

March 11th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

March 31st, 1952

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MR. WARDROPE

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
An Act respecting the City of Ottawa

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MR. MORROW

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa by Preamble  
 its petition has represented that it is desirable that the  
 City should be authorized to pass and enforce by-laws fixing a  
 standard of fitness of dwellings for human habitation as herein-  
 after set forth; and that doubts have arisen regarding the  
 validity of certain orders made by the Ontario Municipal  
 Board and that it is expedient to remove such doubts; and  
 that the power to enact by-laws relating to the Ottawa Fire-  
 men's Superannuation Fund (incorporated under *The Ontario* R.S.O. 1914,  
*Insurance Act* on the 24th day of February, 1917, under the c. 183  
 name of the Ottawa Firemen's Superannuation and Benefit  
 Fund) is vested in all the members of the said Fund, and that  
 it is desirable that the power to enact such by-laws should be  
 vested in the Board of Trustees of the Fund; and that it is  
 desirable that the City should be authorized to pass by-laws  
 regulating the exterior design of certain buildings as herein-  
 after set forth; and whereas the petitioner has prayed for  
 special legislation to effect such purposes; and whereas it is  
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

1.—(1) In this section,

Interpre-  
 tation

- (a) "dwelling" means a building or part of a building  
 occupied or capable of being occupied in whole or in  
 part for the purposes of human habitation and  
 includes the land and premises appurtenant thereto  
 and all outbuildings, fences or erections thereon or  
 therein;
- (b) "owner" includes the person for the time being  
 managing or receiving the rent of the land or pre-  
 mises in connection with which the word is used  
 whether on his own account or as agent or trustee of  
 any other person or who would so receive the rent if  
 such land and premises were let.

Standard  
of fitness of  
dwellings

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for governing and regulating persons in the use and occupancy of dwellings and for appointing inspectors or a tribunal or both inspectors and a tribunal for the administration and enforcement of the by-law.

Advances

(3) Where the owner of any dwelling is unable to pay the expense of making it conform to the standard required by the by-law, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense, and the council of the Corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

Lien for  
advances,  
and repay-  
ment

(4) When the Corporation has advanced money as provided in subsection 3 it shall have a lien upon the dwelling in respect of which the advance was made for the amount of the advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per cent per annum, and the amount of the advance with the interest thereon shall be repayable to the Corporation by the owner of the dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the council, which period shall not exceed ten years but need not be the same in the case of each advance, in the same manner and at the same time as the municipal taxes on the dwelling.

Registration  
of certificate

(5) A certificate of the City clerk setting out the amount advanced to or for the benefit of any owner under the provisions of subsection 3 and the rate of interest thereon, together with a description of the dwelling in respect to which the amount was advanced sufficient to identify the dwelling shall be registered in the proper registry office or land titles office against the dwelling upon proper proof by affidavit of the signature of the City clerk, and upon repayment in full to the Corporation of the amount advanced and the interest thereon, a certificate of the City clerk showing the repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect to the advance and interest thereon and from the lien arising therefrom.

Rights to  
enforce  
conformity

(6) If any owner of a dwelling is unwilling to make the dwelling conform to the standard required by a by-law passed under this section, the Corporation or the tribunal appointed under subsection 2 in addition to all other remedies shall have the right to make the dwelling conform to the standard,

including the right to demolish or cause to be demolished any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the demolition, and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner, and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under the authority of this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

(7) A by-law passed under this section shall be enforceable <sup>Enforcement</sup> in the same manner as a by-law passed under *The Municipal* <sup>Rev. Stat.,</sup> *Act.* <sup>c. 243</sup>

(8) Before proceeding under subsection 3 or 6, the Cor- <sup>Proviso</sup> poration shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply.

(9) An appeal shall lie to the Ontario Municipal Board <sup>Appeal</sup> from a decision made under subsection 6 by the council or by the tribunal appointed under subsection 2, and the decision of the Board shall be final.

**2.** It shall not be necessary for the council of the Corpora- <sup>Debentures</sup> tion to obtain the assent of the electors qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in subsection 3 of section 1.

**3.**—(1) Paragraphs 6 and 8 of Order P.F. B-8464 of the <sup>Municipal</sup> Ontario Municipal Board, dated the 9th day of July, 1951, <sup>Board Order</sup> which read as follows: <sup>(part)</sup> <sup>confirmed</sup>

6. THE BOARD FURTHER ORDERS, pursuant to section 46 of "The Ontario Municipal Board Act" (R.S.O. 1950, Chapter 262), that sub-paragraphs 1, 3 and 4 of paragraph numbered 6 of the Board's order dated the 28th day of February, 1949, be and the same are hereby repealed.

. . . . .

8. THE BOARD FURTHER ORDERS that from and after the first day of January, 1950, the City shall assume full



liability for and make all payments of interest and principal in respect of debentures issued by the Township concerning the annexed area, and the City shall keep the Township indemnified from and against all claims, demands, losses, costs, expenses and damages which may be incurred or suffered by or by reason of any action or other proceeding which shall or may be brought or instituted against the Township in respect of the said debentures, and the Township shall be relieved from all payments of interest and principal in respect of the said debentures,

are hereby confirmed.

Idem

(2) Paragraph 5 of Order P.F. C-1563 of the Ontario Municipal Board, dated the 19th day of February, 1952, which reads as follows:

5. The Board Further Orders that from and after the first day of January, 1950, the City shall assume full responsibility for and make all payments of interest and principal in respect of debentures issued by the Township concerning the annexed area and the City shall keep the Township indemnified from and against all claims, demands, losses, expenses and damages which may be incurred or suffered by or by reason of any action or other proceeding which shall or may be brought or instituted against the Township in respect of the said debentures and the Township shall be relieved from all payments of interest and principal in respect of the said debentures,

is hereby confirmed.

Firemen's  
Superannua-  
tion Fund  
by-laws

4.—(1) The power to enact by-laws relating to the Ottawa Firemen's Superannuation Fund presently vested in all the members of the Fund shall hereafter be vested in the Board of Trustees of the Fund.

Proviso

(2) No by-law enacted under subsection 1 affecting rates of contribution into the Fund or pensions or benefits out of the Fund shall come into effect without the approval of the Superintendent of Insurance for Ontario.

Application  
of Rev. Stat.,  
c.183, Part.X

(3) Notwithstanding clause *g* of section 240 of *The Insurance Act* and subsections 1 and 2 of this section, the Fund shall be deemed to be a fraternal society within the meaning of Part X of *The Insurance Act* and to be required and entitled to be licensed as such.

Exterior  
design of  
buildings

5.—(1) The council of the Corporation may pass by-laws regulating the exterior design of buildings facing parks, parkways or driveways of the Federal District Commission, or highways having a width of at least eighty feet including all highways specially designated on an official plan now or hereafter lodged in the office of the Minister of Planning and Development under *The Planning Act* or facing similar public properties or highways, and prohibiting the erection or alteration of any such building the plans and specifications for which have not first been approved by an official or officials or by a committee or board appointed by the council.

Rev. Stat.,  
c. 277



(2) A by-law passed under this section shall be enforceable <sup>Enforcement</sup> in the same manner as a by-law passed under *The Municipal Act*.

**6.**—(1) This Act, except section 4, comes into force on the <sup>Commence-</sup> day it receives Royal Assent.  
<sub>ment</sub>

(2) Section 4 shall be deemed to have come into force on <sup>Idem</sup> the 9th day of May, 1950.

**7.** This Act may be cited as *The City of Ottawa Act, 1952*. <sup>Short title</sup>

An Act respecting the City of Ottawa

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORROW

---

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Ottawa**

---

MR. MORROW

---

*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa by Preamble its petition has represented that it is desirable that the City should be authorized to pass and enforce by-laws fixing a standard of fitness of dwellings for human habitation as hereinafter set forth; and that doubts have arisen regarding the validity of certain orders made by the Ontario Municipal Board and that it is expedient to remove such doubts; and that the power to enact by-laws relating to the Ottawa Firemen's Superannuation Fund (incorporated under *The Ontario Insurance Act* on the 24th day of February, 1917, under the name of the Ottawa Firemen's Superannuation and Benefit Fund) is vested in all the members of the said Fund, and that it is desirable that the power to enact such by-laws should be vested in the Board of Trustees of the Fund; and that it is desirable that the City should be authorized to pass by-laws regulating the exterior design of certain buildings as hereinafter set forth; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition; R.S.O. 1914, c. 183

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this section,

**Interpre-  
tation**

- (a) "dwelling" means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;
- (b) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

**Standard  
of fitness  
of dwellings**

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for governing and regulating persons in the use and occupancy of dwellings and for appointing inspectors or a tribunal or both inspectors and a tribunal for the administration and enforcement of the by-law.

**Advances**

(3) Where the owner of any dwelling is unable to pay the expense of making it conform to the standard required by the by-law, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense, and the council of the Corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

**Lien for  
advances,  
and repay-  
ment**

(4) When the Corporation has advanced money as provided in subsection 3 it shall have a lien upon the dwelling in respect of which the advance was made for the amount of the advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per cent per annum, and the amount of the advance with the interest thereon shall be repayable to the Corporation by the owner of the dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the council, which period shall not exceed ten years but need not be the same in the case of each advance, in the same manner and at the same time as the municipal taxes on the dwelling.

**Registration  
of certificate**

(5) A certificate of the City clerk setting out the amount advanced to or for the benefit of any owner under the provisions of subsection 3 and the rate of interest thereon, together with a description of the dwelling in respect to which the amount was advanced sufficient to identify the dwelling shall be registered in the proper registry office or land titles office against the dwelling upon proper proof by affidavit of the signature of the City clerk, and upon repayment in full to the Corporation of the amount advanced and the interest thereon, a certificate of the City clerk showing the repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect to the advance and interest thereon and from the lien arising therefrom.

**Rights to  
enforce  
conformity**

(6) If any owner of a dwelling is unwilling to make the dwelling conform to the standard required by a by-law passed under this section, the Corporation or the tribunal appointed under subsection 2 in addition to all other remedies shall have the right to make the dwelling conform to the standard,

including the right to demolish or cause to be demolished any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the demolition, and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner, and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under the authority of this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

(7) A by-law passed under this section shall be enforceable <sup>Enforcement</sup> in the same manner as a by-law passed under *The Municipal* <sup>Rev. Stat., c. 243</sup> *Act*.

(8) Before proceeding under subsection 3 or 6, the Cor- <sup>Proviso</sup> poration shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply.

(9) Any person affected may appeal to the Ontario Muni- <sup>Appeal</sup> cipal Board from a decision made under subsection 6 by the council or by the tribunal appointed under subsection 2, and the decision of the Board shall be final.

(10) For the enforcement of any by-law passed under this <sup>Powers of</sup> section, any inspector appointed under subsection 2 shall <sup>inspector</sup> have the same right to enter, inspect and examine any premises as an inspector under section 82 of *The Public Health* <sup>Rev. Stat., c. 306</sup> *Act*, and the provisions of sections 82, 123 and 124 of the said Act shall *mutatis mutandis* apply.

2. It shall not be necessary for the council of the Corpora- <sup>Debentures</sup> tion to obtain the assent of the electors qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in subsection 3 of section 1.

3.—(1) Paragraphs 6 and 8 of Order P.F. B-8464 of the <sup>Municipal</sup> Ontario Municipal Board, dated the 9th day of July, 1951, <sup>Board Order</sup> <sup>(part)</sup> which read as follows: <sup>confirmed</sup>

6. THE BOARD FURTHER ORDERS, pursuant to section 46 of "The Ontario Municipal Board Act" (R.S.O. 1950,



Chapter 262), that sub-paragraphs 1, 3 and 4 of paragraph numbered 6 of the Board's order dated the 28th day of February, 1949, be and the same are hereby repealed.

8. THE BOARD FURTHER ORDERS that from and after the first day of January, 1950, the City shall assume full liability for and make all payments of interest and principal in respect of debentures issued by the Township concerning the annexed area, and the City shall keep the Township indemnified from and against all claims, demands, losses, costs, expenses and damages which may be incurred or suffered by or by reason of any action or other proceeding which shall or may be brought or instituted against the Township in respect of the said debentures, and the Township shall be relieved from all payments of interest and principal in respect of the said debentures,

are hereby confirmed.

Idem

(2) Paragraph 5 of Order P.F. C-1563 of the Ontario Municipal Board, dated the 19th day of February, 1952, which reads as follows:

5. The Board Further Orders that from and after the first day of January, 1950, the City shall assume full responsibility for and make all payments of interest and principal in respect of debentures issued by the Township concerning the annexed area and the City shall keep the Township indemnified from and against all claims, demands, losses, expenses and damages which may be incurred or suffered by or by reason of any action or other proceeding which shall or may be brought or instituted against the Township in respect of the said debentures and the Township shall be relieved from all payments of interest and principal in respect of the said debentures,

is hereby confirmed.

Firemen's  
Superannua-  
tion Fund  
by-laws

4.—(1) The power to enact by-laws relating to the Ottawa Firemen's Superannuation Fund presently vested in all the members of the Fund shall hereafter be vested in the Board of Trustees of the Fund.

Proviso

(2) No by-law enacted under subsection 1 affecting rates of contribution into the Fund or pensions or benefits out of the Fund shall come into effect without the approval of the Superintendent of Insurance for Ontario.

Application  
of Rev. Stat.,  
c.183, Part. X

(3) Notwithstanding clause *g* of section 240 of *The Insurance Act* and subsections 1 and 2 of this section, the Fund shall be deemed to be a fraternal society within the meaning of Part X of *The Insurance Act* and to be required and entitled to be licensed as such.

Exterior  
design of  
buildings

5.—(1) The council of the Corporation may pass by-laws regulating the exterior design of buildings and structures facing parks, parkways or driveways of the Federal District Commission, or highways having a width of at least eighty feet including all highways specially designated on an official

plan now or hereafter lodged in the office of the Minister of Planning and Development under *The Planning Act* or facing similar public properties or highways, and prohibiting the erection or alteration of any such building or structure the plans and specifications for which have not first been approved by an official or officials or by a committee or board appointed by the council.

(2) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*. Enforcement  
Rev. Stat.,  
c. 277

(3) Any committee or board appointed under subsection 1 may include a representative of the Federal District Commission. District  
Commission  
representa-  
tive

(4) An appeal shall lie to the Ontario Municipal Board from a decision of an official or of a committee or board appointed under subsection 1 and the decision of the Board shall be final. Appeal

**6.**—(1) This Act, except section 4, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 4 shall be deemed to have come into force on the 9th day of May, 1950. Idem

**7.** This Act may be cited as *The City of Ottawa Act, 1952*. Short title

An Act respecting the City of Ottawa

---

*1st Reading*

March 6th, 1952

*2nd Reading*

*3rd Reading*

---

MR. MORROW

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*(Reprinted as amended by the Committee on  
Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Ottawa**

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MR. MORROW

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# BILL

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa by Preamble its petition has represented that it is desirable that the City should be authorized to pass and enforce by-laws fixing a standard of fitness of dwellings for human habitation as hereinafter set forth; and that doubts have arisen regarding the validity of certain orders made by the Ontario Municipal Board and that it is expedient to remove such doubts; and that the power to enact by-laws relating to the Ottawa Firemen's Superannuation Fund (incorporated under *The Ontario Insurance Act* on the 24th day of February, 1917, under the name of the Ottawa Firemen's Superannuation and Benefit Fund) is vested in all the members of the said Fund, and that it is desirable that the power to enact such by-laws should be vested in the Board of Trustees of the Fund; and that it is desirable that the City should be authorized to pass by-laws regulating the exterior design of certain buildings as hereinafter set forth; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition; R.S.O. 1914, c. 183

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

**Interpre-  
tation**

- (a) "dwelling" means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;
- (b) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.



Standard  
of fitness of  
dwellings

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for governing and regulating persons in the use and occupancy of dwellings and for appointing inspectors or a tribunal or both inspectors and a tribunal for the administration and enforcement of the by-law.

Advances

(3) Where the owner of any dwelling is unable to pay the expense of making it conform to the standard required by the by-law, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense, and the council of the Corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

Lien for  
advances,  
and repay-  
ment

(4) When the Corporation has advanced money as provided in subsection 3 it shall have a lien upon the dwelling in respect of which the advance was made for the amount of the advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per cent per annum, and the amount of the advance with the interest thereon shall be repayable to the Corporation by the owner of the dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the council, which period shall not exceed ten years but need not be the same in the case of each advance, in the same manner and at the same time as the municipal taxes on the dwelling.

Registration  
of certificate

(5) A certificate of the City clerk setting out the amount advanced to or for the benefit of any owner under the provisions of subsection 3 and the rate of interest thereon, together with a description of the dwelling in respect to which the amount was advanced sufficient to identify the dwelling shall be registered in the proper registry office or land titles office against the dwelling upon proper proof by affidavit of the signature of the City clerk, and upon repayment in full to the Corporation of the amount advanced and the interest thereon, a certificate of the City clerk showing the repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect to the advance and interest thereon and from the lien arising therefrom.

Rights to  
enforce  
conformity

(6) If any owner of a dwelling is unwilling to make the dwelling conform to the standard required by a by-law passed under this section, the Corporation or the tribunal appointed under subsection 2 in addition to all other remedies shall have the right to make the dwelling conform to the standard,



including the right to demolish or cause to be demolished any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the demolition, and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner, and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under the authority of this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

(7) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*. Enforcement  
Rev. Stat.,  
c. 243

(8) Before proceeding under subsection 3 or 6, the Corporation shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply. Proviso

(9) Any person affected may appeal to the Ontario Municipal Board from a decision made under subsection 6 by the council or by the tribunal appointed under subsection 2, and the decision of the Board shall be final. Appeal

(10) For the enforcement of any by-law passed under this section, any inspector appointed under subsection 2 shall have the same right to enter, inspect and examine any premises as an inspector under section 82 of *The Public Health Act*, and the provisions of sections 82, 123 and 124 of the said Act shall *mutatis mutandis* apply. Powers of  
inspector  
Rev. Stat.,  
c. 306

2. It shall not be necessary for the council of the Corporation to obtain the assent of the electors qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in subsection 3 of section 1. Debentures

3.—(1) Paragraphs 6 and 8 of Order P.F. B-8464 of the Ontario Municipal Board, dated the 9th day of July, 1951, which read as follows: Municipal  
Board Order  
(part)  
confirmed

6. THE BOARD FURTHER ORDERS, pursuant to section 46 of "The Ontario Municipal Board Act" (R.S.O. 1950,

Chapter 262), that sub-paragraphs 1, 3 and 4 of paragraph numbered 6 of the Board's order dated the 28th day of February, 1949, be and the same are hereby repealed.

. . . . .

8. THE BOARD FURTHER ORDERS that from and after the first day of January, 1950, the City shall assume full liability for and make all payments of interest and principal in respect of debentures issued by the Township concerning the annexed area, and the City shall keep the Township indemnified from and against all claims, demands, losses, costs, expenses and damages which may be incurred or suffered by or by reason of any action or other proceeding which shall or may be brought or instituted against the Township in respect of the said debentures, and the Township shall be relieved from all payments of interest and principal in respect of the said debentures,

are hereby confirmed.

Idem

(2) Paragraph 5 of Order P.F. C-1563 of the Ontario Municipal Board, dated the 19th day of February, 1952, which reads as follows:

5. The Board Further Orders that from and after the first day of January, 1950, the City shall assume full responsibility for and make all payments of interest and principal in respect of debentures issued by the Township concerning the annexed area and the City shall keep the Township indemnified from and against all claims, demands, losses, expenses and damages which may be incurred or suffered by or by reason of any action or other proceeding which shall or may be brought or instituted against the Township in respect of the said debentures and the Township shall be relieved from all payments of interest and principal in respect of the said debentures,

is hereby confirmed.

Firemen's  
Superannua-  
tion Fund  
by-laws

4.—(1) The power to enact by-laws relating to the Ottawa Firemen's Superannuation Fund presently vested in all the members of the Fund shall hereafter be vested in the Board of Trustees of the Fund.

Proviso

(2) No by-law enacted under subsection 1 affecting rates of contribution into the Fund or pensions or benefits out of the Fund shall come into effect without the approval of the Superintendent of Insurance for Ontario.

Application  
of Rev. Stat.,  
c. 183, Part. X

(3) Notwithstanding clause g of section 240 of *The Insurance Act* and subsections 1 and 2 of this section, the Fund shall be deemed to be a fraternal society within the meaning of Part X of *The Insurance Act* and to be required and entitled to be licensed as such.

Exterior  
design of  
buildings

5.—(1) The council of the Corporation may pass by-laws regulating the exterior design of buildings and structures facing parks, parkways or driveways of the Federal District Commission, or highways having a width of at least eighty feet including all highways specially designated on an official

plan now or hereafter lodged in the office of the Minister of Planning and Development under *The Planning Act* or facing similar public properties or highways, and prohibiting the erection or alteration of any such building or structure the plans and specifications for which have not first been approved by an official or officials or by a committee or board appointed by the council. Rev. Stat.,  
c. 277

(2) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*. Enforcement

(3) Any committee or board appointed under subsection 1 may include a representative of the Federal District Commission. District  
Commission  
representa-  
tive

(4) An appeal shall lie to the Ontario Municipal Board from a decision of an official or of a committee or board appointed under subsection 1 and the decision of the Board shall be final. Appeal

**6.—**(1) This Act, except section 4, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 4 shall be deemed to have come into force on the 9th day of May, 1950. Idem

**7.** This Act may be cited as *The City of Ottawa Act, 1952*. Short title

*1st Reading*

March 6th, 1952

*2nd Reading*

March 26th, 1952

*3rd Reading*

March 28th, 1952

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Mr. MORROW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Township of Toronto

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MR. HALL

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(PRIVATE BILL)





No. 26

1952

# BILL

## An Act respecting the Township of Toronto

**W**HEREAS The Corporation of the Township of Toronto Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** On the day on which the Board of Education established Township school area established  
by this Act holds its first meeting, hereinafter referred to as  
the commencement day, those parts of the Township of  
Toronto that are included in Public School Sections Nos.  
1, 2, 4, 5, 6, 7, 8, 22 and 23 of the Township are hereby esta-  
blished as a township school area.

**2.—(1)** The council of The Corporation of the Township Dissolution of union school section  
of Toronto may pass a by-law dissolving the union school  
section of which Public School Section No. 19 of the Township  
forms a part.

**(2)** On the dissolution of such union school section, the said Inclusion in township school area  
Public School Section No. 19 shall form part of the township  
school area hereby established, and all rights and claims in  
respect of the said Public School Section No. 19 and The  
Port Credit Public School Board shall be valued, adjusted and  
determined in the manner provided in section 17 of *The* Rev. Stat., c. 316  
*Public Schools Act, mutatis mutandis.*

**3.** On the commencement day The South Peel District Dissolution of school boards  
High School Board and the public school boards of the said  
Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23  
are hereby dissolved, and all their powers and duties shall be  
performed by one board of education to be known as The  
South Peel Board of Education which shall be a corporation  
by that name, and is hereinafter referred to as the Board of Board of Education established  
Education, and which shall have all the powers and perform  
all the duties which by this or any other Act are conferred or  
imposed upon a public school board, a high school board or a  
board of education.



Port Credit  
public  
schools

4.—(1) The powers and duties of the Board of Education shall not extend to the public schools of the Village of Port Credit unless the council of The Corporation of the Village of Port Credit passes a resolution requesting the inclusion of the Village in the said township school area and the council of The Corporation of the Township of Toronto passes a by-law to include the Village in such township school area.

Dissolution  
of Port  
Credit  
Public  
School  
Board

(2) The day of the inclusion of the Village of Port Credit in the said township school area shall be fixed in such by-law and on such day The Port Credit Public School Board is hereby dissolved, and all the real and personal property that is vested in such Board shall become vested in the Board of Education, and all debts, contracts and agreements for which such Board is liable shall become obligations of the Board of Education.

Adjustment  
of claims

(3) All rights and claims between the Village and the parts of the Township within the said township school area shall be valued, adjusted and determined in the manner provided in section 17 of *The Public Schools Act*.

Rev. Stat.,  
c. 316

Composition  
of Board  
of Education

5.—(1) The Board of Education shall be composed of nine members, two of whom shall be elected in each of Wards 1, 2 and 3 of the Township and two of whom shall be appointed by the council of The Corporation of the Village of Port Credit and one of whom shall be appointed by the council of The Corporation of the County of Peel.

Boundaries  
of Ward 3  
of Township  
for Board of  
Education  
elections

(2) For the purpose of the election of such members in Ward 3, Ward 3 shall be deemed to comprise only those parts of Ward 3 that are within the said township school area, and in addition shall be deemed to comprise that part of Ward 5 that is within the said township school area.

Separate  
school  
member

Rev. Stat.,  
c. 165

(3) An additional member of the Board of Education may be appointed by a separate school board in the manner provided in section 23 of *The High Schools Act*.

First  
election date

6.—(1) The first election of members of the Board of Education shall be held at the earliest possible date after this Act comes into force.

Application  
of Rev. Stat.,  
c. 316

(2) The provisions of *The Public Schools Act* respecting qualifications of urban school trustees and the election of such trustees by ballot shall apply to such first election.

Qualifica-  
tion of first  
elected  
members

(3) No person shall be disqualified to be nominated and elected as a member of the Board of Education at the first election of members thereof by reason of being at that time a public or high school trustee.

7. The provisions of *The High Schools Act* respecting qualifications of trustees shall apply to the appointed members of the Board of Education. Qualification of appointed members

8. In each of Wards 1, 2 and 3 of the Township, the two candidates receiving at the first election the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office until the 31st day of December, 1953, and the other until the 31st day of December, 1952, and until their successors are elected and the new board is organized. Term of office of members first elected

9. At the time of holding the municipal elections for the year 1953 and thereafter the elective members shall be elected in the manner provided in *The Boards of Education Act* except that the qualifications of such members shall be those of urban school trustees as provided in *The Public Schools Act*. Rev. Stat., c. 38, to apply to elections  
Rev. Stat., c. 316

10. The clerk of the Township shall call and until a chairman is elected shall preside at the first meeting of the Board of Education which shall be held on a day to be fixed by such clerk, but not later than the 28th day of June, 1952, at the hour of 2 o'clock in the afternoon at the township hall, at which the members of the Board of Education shall elect a chairman and secretary-treasurer or a secretary and a treasurer. First meeting of Board of Education

11. On the commencement day all the real and personal property that is vested in The South Peel District High School Board and the public school boards of the said Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23 shall become vested in the Board of Education, and all debts, contracts and agreements for which the said boards are liable shall become obligations of the Board of Education. Assets and liabilities of former boards

12. While the Village of Port Credit remains outside the said township school area, the members of the Board of Education appointed by the council of The Corporation of the Village of Port Credit shall not vote or otherwise take part in any of the proceedings of the Board of Education exclusively affecting the public schools. Port Credit members not to vote on public school questions

13. All rights and claims between the respective parts of the Township comprising the said Sections on the commencement day shall be valued, adjusted and determined in the manner provided in section 17 of *The Public Schools Act*. Adjustment of claims  
Rev. Stat., c. 316

14. All the provisions of *The Boards of Education Act* that are not inconsistent with this Act shall apply to the Board of Education established by this Act in the same manner and to the same extent as if the Board of Education had been established pursuant to *The Boards of Education Act*. Application of Rev. Stat., c. 38

**Commence-  
ment**

**15.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**16.** This Act may be cited as *The Township of Toronto Act, 1952*.



An Act respecting the Township  
of Toronto

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. HALL

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(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting the Township of Toronto

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MR. HALL

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*(Reprinted as amended by the Committee on Private Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





# BILL

## An Act respecting the Township of Toronto

**W**HEREAS The Corporation of the Township of Toronto Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** On the day on which the Board of Education established Township  
school area  
established  
by this Act holds its first meeting, hereinafter referred to as  
the commencement day, those parts of the Township of  
Toronto that are included in Public School Sections Nos.  
1, 2, 4, 5, 6, 7, 8, 22 and 23 of the Township are hereby esta-  
blished as a township school area.

**2.** On the commencement day The South Peel District Dissolution  
of school  
boards  
High School Board and the public school boards of the said  
Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23  
are hereby dissolved, and all their powers and duties shall be  
performed by one board of education to be known as The  
South Peel Board of Education which shall be a corporation  
by that name, and is hereinafter referred to as the Board of Board of  
Education  
established  
Education, and which shall have all the powers and perform  
all the duties which by this or any other Act are conferred or  
imposed upon a public school board, a high school board or a  
board of education.

**3.—(1)** The powers and duties of the Board of Education Port Credit  
public  
schools  
shall not extend to the public schools of the Village of Port  
Credit unless the council of The Corporation of the Village  
of Port Credit passes a resolution requesting the inclusion of  
the Village in the said township school area, in which case  
the council of The Corporation of the Township of Toronto  
shall pass a by-law to include the Village in such township  
school area.

Dissolution  
of Port  
Credit  
Public  
School  
Board

(2) The day of the inclusion of the Village of Port Credit in the said township school area shall be fixed in such by-law and on such day The Port Credit Public School Board is hereby dissolved, and all the real and personal property that is vested in such Board shall become vested in the Board of Education, and all debts, contracts and agreements for which such Board is liable shall become obligations of the Board of Education.

Adjustment  
of claims

(3) All rights and claims between the Village and the parts of the Township within the said township school area shall be valued, adjusted and determined in the manner provided in section 17 of *The Public Schools Act*.

Rev. Stat.,  
c. 316

Composition  
of Board  
of Education

4. The Board of Education shall be composed of the following members: two members shall be elected in each ward or part of a ward of the Township that is within the said township school area, except in the part of Ward 5 that is within such area, which part of Ward 5 shall be deemed to be part of Ward 3 for the purpose of the election of such members; four members shall be elected in the Village of Port Credit; one member may be appointed by the council of The Corporation of the County of Peel, and one member may be appointed by a separate school board in the manner provided in section 23 of *The High Schools Act*.

Rev. Stat.,  
c. 165

First  
election date

5.—(1) The first election of members of the Board of Education shall be held at the earliest possible date after this Act comes into force.

Application  
of Rev. Stat.,  
c. 316

(2) The provisions of *The Public Schools Act* respecting qualifications of urban school trustees and the election of such trustees by ballot shall apply to such first election.

Qualifica-  
tion of first  
elected  
members

(3) No person shall be disqualified to be nominated and elected as a member of the Board of Education at the first election of members thereof by reason of being at that time a public or high school trustee.

Qualifica-  
tion of  
appointed  
members

6. The provisions of *The High Schools Act* respecting qualifications of trustees shall apply to the appointed members of the Board of Education.

Term of  
office of  
members  
first  
elected

7. In each of Wards 1, 2 and 3 of the Township, the two candidates receiving at the first election the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office until the 31st day of December, 1953, and the other until the 31st day of December, 1952, and until their successors are elected and the new board is organized.

8. At the time of holding the municipal elections for the year 1953 and thereafter the elective members shall be elected in the manner provided in *The Boards of Education Act* except that the qualifications of such members shall be those of urban school trustees as provided in *The Public Schools Act*.

Rev. Stat.,  
c. 38  
to apply to  
elections

Rev. Stat.,  
c. 316

9. The clerk of the Township shall call and until a chairman is elected shall preside at the first meeting of the Board of Education which shall be held on a day to be fixed by such clerk, but not later than the 28th day of June, 1952, at the hour of 2 o'clock in the afternoon at the township hall, at which the members of the Board of Education shall elect a chairman and secretary-treasurer or a secretary and a treasurer.

First  
meeting  
of Board  
of Education

10. On the commencement day all the real and personal property that is vested in The South Peel District High School Board and the public school boards of the said Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23 shall become vested in the Board of Education, and all debts, contracts and agreements for which the said boards are liable shall become obligations of the Board of Education.

Assets and  
liabilities  
of former  
boards

11. While the Village of Port Credit remains outside the said township school area, the members of the Board of Education appointed by the council of The Corporation of the Village of Port Credit shall not vote or otherwise take part in any of the proceedings of the Board of Education exclusively affecting the public schools.

Port Credit  
members not  
to vote on  
public school  
questions

12. All rights and claims between the respective parts of the Township comprising the said Sections on the commencement day shall be valued, adjusted and determined in the manner provided in section 17 of *The Public Schools Act*.

Adjustment  
of claims

Rev. Stat.,  
c. 316

13. All the provisions of *The Boards of Education Act*, *The Public Schools Act* and *The High Schools Act* that are not inconsistent with this Act shall apply to the Board of Education established by this Act in the same manner and to the same extent as if the Board of Education had been established pursuant to *The Boards of Education Act*.

Application  
of Rev. Stat.,  
cc. 38, 316,  
165

14. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

15. This Act may be cited as *The Township of Toronto Act*, 1952.

Short title





*1st Reading*

March 11th, 1952

*2nd Reading*

*3rd Reading*

---

MR. HALL

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(*Reprinted as amended by the Committee on  
Private Bills*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the Township of Toronto**

---

MR. HALL

---





No. 26

1952

# BILL

## An Act respecting the Township of Toronto

**W**HEREAS The Corporation of the Township of Toronto <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** On the day on which the Board of Education established <sup>Township school area established</sup> by this Act holds its first meeting, hereinafter referred to as the commencement day, those parts of the Township of Toronto that are included in Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23 of the Township are hereby established as a township school area.

**2.** On the commencement day The South Peel District <sup>Dissolution of school boards</sup> High School Board and the public school boards of the said Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23 are hereby dissolved, and all their powers and duties shall be performed by one board of education to be known as The South Peel Board of Education which shall be a corporation <sup>Board of Education established</sup> by that name, and is hereinafter referred to as the Board of Education, and which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, a high school board or a board of education.

**3.—(1)** The powers and duties of the Board of Education <sup>Port Credit public schools</sup> shall not extend to the public schools of the Village of Port Credit unless the council of The Corporation of the Village of Port Credit passes a resolution requesting the inclusion of the Village in the said township school area, in which case the council of The Corporation of the Township of Toronto shall pass a by-law to include the Village in such township school area.

Dissolution  
of Port  
Credit  
Public  
School  
Board

(2) The day of the inclusion of the Village of Port Credit in the said township school area shall be fixed in such by-law and on such day The Port Credit Public School Board is hereby dissolved, and all the real and personal property that is vested in such Board shall become vested in the Board of Education, and all debts, contracts and agreements for which such Board is liable shall become obligations of the Board of Education.

Adjustment  
of claims

(3) All rights and claims between the Village and the parts of the Township within the said township school area shall be valued, adjusted and determined in the manner provided in section 17 of *The Public Schools Act*.

Rev. Stat.,  
c. 316

Composition  
of Board  
of Education

4. The Board of Education shall be composed of the following members: two members shall be elected in each ward or part of a ward of the Township that is within the said township school area, except in the part of Ward 5 that is within such area, which part of Ward 5 shall be deemed to be part of Ward 3 for the purpose of the election of such members; four members shall be elected in the Village of Port Credit; one member may be appointed by the council of The Corporation of the County of Peel, and one member may be appointed by a separate school board in the manner provided in section 23 of *The High Schools Act*.

Rev. Stat.,  
c. 165

First  
election date

5.—(1) The first election of members of the Board of Education shall be held at the earliest possible date after this Act comes into force.

Application  
of Rev. Stat.,  
c. 316

(2) The provisions of *The Public Schools Act* respecting qualifications of urban school trustees and the election of such trustees by ballot shall apply to such first election.

Qualifica-  
tion of first  
elected  
members

(3) No person shall be disqualified to be nominated and elected as a member of the Board of Education at the first election of members thereof by reason of being at that time a public or high school trustee.

Qualifica-  
tion of  
appointed  
members

6. The provisions of *The High Schools Act* respecting qualifications of trustees shall apply to the appointed members of the Board of Education.

Term of  
office of  
members  
first  
elected

7. In each of Wards 1, 2 and 3 of the Township, the two candidates receiving at the first election the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office until the 31st day of December, 1953, and the other until the 31st day of December, 1952, and until their successors are elected and the new board is organized.

8. At the time of holding the municipal elections for the year 1953 and thereafter the elective members shall be elected in the manner provided in *The Boards of Education Act* except that the qualifications of such members shall be those of urban school trustees as provided in *The Public Schools Act*. Rev. Stat., c. 38 to apply to elections  
Rev. Stat., c. 316

9. The clerk of the Township shall call and until a chairman is elected shall preside at the first meeting of the Board of Education which shall be held on a day to be fixed by such clerk, but not later than the 28th day of June, 1952, at the hour of 2 o'clock in the afternoon at the township hall, at which the members of the Board of Education shall elect a chairman and secretary-treasurer or a secretary and a treasurer. First meeting of Board of Education

10. On the commencement day all the real and personal property that is vested in The South Peel District High School Board and the public school boards of the said Public School Sections Nos. 1, 2, 4, 5, 6, 7, 8, 22 and 23 shall become vested in the Board of Education, and all debts, contracts and agreements for which the said boards are liable shall become obligations of the Board of Education. Assets and liabilities of former boards

11. While the Village of Port Credit remains outside the said township school area, the members of the Board of Education elected in the Village of Port Credit shall not vote or otherwise take part in any of the proceedings of the Board of Education exclusively affecting the public schools. Port Credit members not to vote on public school questions

12. All rights and claims between the respective parts of the Township comprising the said Sections on the commencement day shall be valued, adjusted and determined in the manner provided in section 17 of *The Public Schools Act*. Adjustment of claims  
Rev. Stat., c. 316

13. All the provisions of *The Boards of Education Act*, *The Public Schools Act* and *The High Schools Act* that are not inconsistent with this Act shall apply to the Board of Education established by this Act in the same manner and to the same extent as if the Board of Education had been established pursuant to *The Boards of Education Act*. Application of Rev. Stat., cc. 38, 316, 165

14. This Act comes into force on the day it receives Royal Assent. Commencement

15. This Act may be cited as *The Township of Toronto Act*, Short title 1952.





An Act respecting the Township  
of Toronto

---

*1st Reading*

March 11th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

March 31st, 1952

---

MR. HALL.

---



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act respecting the Town of Barrie

---

MR. JOHNSTON (Simcoe Centre)

---

(PRIVATE BILL)



# BILL

## An Act respecting the Town of Barrie

**W**HEREAS The Corporation of the Town of Barrie Preamble by its petition has represented that under the terms of the original grant from the Crown of the lands known as the Market Square in the Town, the use of the lands is restricted, and has prayed for special legislation to vest the Market Square in the Corporation in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** The lands composed of the Market Square at the intersection of Mulcaster and Collier Streets in the Town of Barrie, more particularly described as: Market Square vested in Corporation

COMMENCING at the south-west angle of the said parallelogram; then north six chains fifty links more or less to the north-west angle of the said parallelogram; then east five chains fifty links more or less to the north-east angle of the said parallelogram; then south six chains fifty links more or less to the south-east angle of the said parallelogram; then west five chains fifty links more or less to the place of beginning,

are hereby vested in The Corporation of the Town of Barrie in fee simple.

**(2)** The trusts and special purposes mentioned in the original grant of the said lands from the Crown are hereby Restrictions annulled

**(3)** Notwithstanding anything in the said original grant, the Corporation shall have power to sell, lease, convey and contract in regard to the said lands and every part thereof, subject nevertheless to the reservations as to mineral rights expressed in the said original grant. Power to sell, etc.

**(4)** Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the Corporation and signed by the mayor and clerk thereof, for the time being. Execution of documents

Application  
of proceeds

(5) The proceeds of every disposition by the Corporation of the said lands under this Act shall be held and applied by it for the general purposes or uses of the Corporation.

Liability  
to provide  
alternate  
market

2. The Corporation of the Town of Barrie shall provide for the purpose of a market, in a suitable location within the Corporation limits or the adjoining municipalities, an area not less than one acre of land and a market house with a floor area of not less than 2,000 square feet, in lieu of the land and market building in use for the said purpose on the 1st day of January, 1952, and located on the said Market Square, if and when the said area of land and market house become unsatisfactory or inadequate for the said purpose.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Barrie Act, 1952*.









An Act respecting the Town of Barrie

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. JOHNSTON (Simcoe Centre)

*(Private Bill)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act respecting the Town of Barrie**

---

MR. JOHNSTON (Simcoe Centre)

---



No. 27

1952

# BILL

## An Act respecting the Town of Barrie

**W**HEREAS The Corporation of the Town of Barrie Preamble by its petition has represented that under the terms of the original grant from the Crown of the lands known as the Market Square in the Town, the use of the lands is restricted, and has prayed for special legislation to vest the Market Square in the Corporation in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The lands composed of the Market Square at the intersection of Mulcaster and Collier Streets in the Town of Barrie, more particularly described as: Market Square vested in Corporation

COMMENCING at the south-west angle of the said parallelogram; then north six chains fifty links more or less to the north-west angle of the said parallelogram; then east five chains fifty links more or less to the north-east angle of the said parallelogram; then south six chains fifty links more or less to the south-east angle of the said parallelogram; then west five chains fifty links more or less to the place of beginning,

are hereby vested in The Corporation of the Town of Barrie in fee simple.

(2) The trusts and special purposes mentioned in the original grant of the said lands from the Crown are hereby Restrictions annulled annulled.

(3) Notwithstanding anything in the said original grant, the Corporation shall have power to sell, lease, convey and contract in regard to the said lands and every part thereof, subject nevertheless to the reservations as to mineral rights expressed in the said original grant. Power to sell, etc.

(4) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the Corporation and signed by the mayor and clerk thereof, for the time being. Execution of documents

Application  
of proceeds

(5) The proceeds of every disposition by the Corporation of the said lands under this Act shall be held and applied by it for the general purposes or uses of the Corporation.

Liability  
to provide  
alternate  
market

2. The Corporation of the Town of Barrie shall provide for the purpose of a market, in a suitable location within the Corporation limits or the adjoining municipalities, an area not less than one acre of land and a market house with a floor area of not less than 2,000 square feet, in lieu of the land and market building in use for the said purpose on the 1st day of January, 1952, and located on the said Market Square, if and when the said area of land and market house become unsatisfactory or inadequate for the said purpose.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Barrie Act, 1952*.









An Act respecting the Town of Barrie

---

*1st Reading*

March 6th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

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MR. JOHNSTON (Simcoe Centre)

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

## An Act respecting the Canadian National Exhibition Association

---

MR. FROST (Bracondale)

---

(PRIVATE BILL)



No. 28

1952

# BILL

## An Act respecting the Canadian National Exhibition Association

**W**HEREAS the Canadian National Exhibition Association Preamble  
 tion by its petition has prayed for special legislation  
 to amend *The Canadian National Exhibition Association Act*, 1948, c. 105  
 1948; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

1. Subsection 6 of section 5 of *The Canadian National* 1948,  
*Exhibition Association Act*, 1948, as amended by subsection 4 c. 105, s. 5,  
 of section 1 of *The Canadian National Exhibition Association* subs. 6,  
*Amendment Act*, 1949, is repealed and the following sub- re-enacted  
 stituted therefor:

- (6) Notice of appointment of representatives of the Notice of  
 bodies named in subsections 3 and 4 and the names appointment  
 and addresses of such representatives, signed by the of repre-  
 president and secretary of each of the said bodies sentatives  
 (other than the council of the County of York and to be given  
 The Hydro-Electric Power Commission of Ontario) to Associa-  
 together with a statement, verified by statutory tion  
 declaration of such secretary, of the total number of  
 members of the body at the date of its annual meet-  
 ing, the number of such members who upon the said  
 date had paid their fees to the body, and the number  
 of such members who attended the annual meeting,  
 shall forthwith after such meeting be given to the  
 Association so that the same shall be received by the  
 secretary of the Association not later than the third  
 Wednesday of January in each year at the hour of  
 12 o'clock noon.

2. This Act comes into force on the day it receives Royal Commence-  
 Assent. ment

3. This Act may be cited as *The Canadian National* Short title  
*Exhibition Association Amendment Act*, 1952.

An Act respecting the Canadian National  
Exhibition Association

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

Mr. FROST (Bracondale)

*(Private Bill)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

## **An Act respecting the Canadian National Exhibition Association**

---

MR. FROST (Bracondale)

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





# BILL

## An Act respecting the Canadian National Exhibition Association

**W**HEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation to amend *The Canadian National Exhibition Association Act, 1948*, c. 105, 1948; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Canadian National Exhibition Association Act, 1948*, as amended by subsection 4 of section 1 of *The Canadian National Exhibition Association Amendment Act, 1949*, is repealed and the following substituted therefor:

- (6) Notice of appointment of representatives of the bodies named in subsections 3 and 4 and the names and addresses of such representatives, signed by the president and secretary of each of the said bodies (other than the council of the County of York and The Hydro-Electric Power Commission of Ontario) together with a statement, verified by statutory declaration of such secretary, of the total number of members of the body at the date of its annual meeting, the number of such members who upon the said date had paid their fees to the body, and the number of such members who attended the annual meeting, shall forthwith after such meeting be given to the Association so that the same shall be received by the secretary of the Association not later than the third Wednesday of January in each year at the hour of 12 o'clock noon.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Canadian National Exhibition Association Amendment Act, 1952*.

An Act respecting the Canadian National  
Exhibition Association

---

*1st Reading*

February 28th, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

March 17th, 1952

---

Mr. Frost (Bracondale)

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act respecting the City of Toronto**

---

MR. WEAVER

---

(PRIVATE BILL)



# BILL

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto by Preamble  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The council of the Corporation may pass by-laws for Regulating  
installation  
of television  
antennae  
regulating the erection, construction, reconstruction, instal-  
lation, alteration, repair and maintenance of television  
antennae or any classes thereof erected on or outside of  
buildings; for requiring that plans and specifications therefor  
shall be filed with and approved by a designated official of the  
City; for providing that without such approval no such  
erection, construction, reconstruction, installation, alteration  
or repair shall be commenced; for requiring that the work so  
approved shall be commenced and proceeded with within  
three months from the date of such approval and that other-  
wise such approval shall be void; for inspecting the work  
when completed and for issuing a certificate that the work  
complies with the plans and specifications filed and with the  
by-law; and for providing that without such certificate no  
such television antenna which is erected on or outside of a  
building shall be operated or used; for charging fees for the  
approval of plans and specifications, for inspections or for  
such certificates; for establishing standards governing the  
quality of material to be used for such television antennae,  
for supporting them and for making them safe; for requiring  
the inspection of television antennae erected before the  
passing of the by-law, and for requiring the owners of tele-  
vision antennae to make such alterations or additions thereto  
as the designated official of the city considers necessary to  
make the installations conform with the safety provisions in  
the by-law; and for imposing and recovering penalties for  
contraventions of any by-law passed under this section in the  
same manner and to the same extent as for a by-law passed  
under *The Municipal Act*.

Rev. Stat.,  
c. 243



Confirmation  
of tax sales

2.—(1) All sales of land within the City of Toronto made since the 1st day of January, 1948, and prior to the 1st day of January, 1951, and purporting to have been made by The Corporation of the City of Toronto or its treasurer for arrears of taxes payable to the Corporation, with respect to the lands so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of the sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Rev. Stat.,  
c. 24

Application  
of section

(2) Subsection 1 shall have force and effect only where the treasurer has complied with subsection 2 of section 174 of *The Assessment Act*, and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Statutory  
declaration

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed of the land in respect of which such declaration was made, and when the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Exception as  
to pending  
litigation

(4) Nothing in this section shall affect or prejudice the right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been passed.

Requiring  
trucks and  
buses to use  
curb lanes

3. Subject to the approval of the Department of Highways, the council of the Corporation may pass by-laws for requiring buses and heavy trucks as defined in the by-law to use the lane nearest the curb or right side on any highway or part of a highway divided into clearly marked lanes and designated in the by-law, for requiring the drivers of such buses and heavy trucks to obey the direction on signs erected to indicate such designation and for imposing and recovering penalties for contraventions of such by-law in the same manner and to the same extent as for a by-law passed under *The Municipal Act* for regulating traffic approved by the Department of Highways.

Rev. Stat.,  
c. 243



4. The council of the Corporation may undertake as a local improvement work under *The Local Improvement Act* the widening of a pavement on a street and the widening of a sidewalk in, upon or along a street and may levy the cost thereof on the properties fronting or abutting on the work in accordance with *The Local Improvement Act*, provided that there shall be included in the Corporation's portion of the cost so much of the cost of the work as is incurred in the construction or reconstruction of that part of the pavement on a street that exceeds a width of twenty-eight feet.

Widening pavements or sidewalks as local improvements  
Rev. Stat., c. 215

5.—(1) The council of the Corporation may by by-law establish an authority to be known as "The Parking Authority of Toronto", hereinafter called the parking authority, and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the City.

Independent parking authority authorized

(2) The parking authority shall be a public commission and a body politic and corporate and shall consist of three members, each of whom shall be a resident and ratepayer of Toronto and shall be appointed by the council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Incorporation and members

(3) No member of the council shall be eligible to be appointed a member of the parking authority.

Council members not qualified

(4) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Vacancies

(5) Any member shall be eligible for re-appointment on the expiration of his term of office.

Re-appointment of members

(6) The members may be paid such salary or other remuneration as may be fixed by by-law of the council.

Salary of members

(7) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities by the City shall be exercised by the parking authority and not by the Corporation, but subject to such limitations as the by-law may provide.

Powers of City transferred to authority

Power to  
fix rates

(8) The parking authority shall have the power and duty to fix rates and charges for the use of any municipal parking facility or part thereof so that the revenue of the authority shall be sufficient to make all parking facilities under its control and management self-sustaining, after providing for such maintenance, depreciation and debt charges as it shall think proper.

Budget and  
expenditures

(9) The parking authority shall submit to the board of control an annual budget of its estimated revenues and expenses and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall upon the certificate of the parking authority, pay out such money.

Annual  
report

(10) Immediately after the end of each year, the parking authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

Audit

(11) The City auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection.

Debentures

(12) The powers, rights, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority.

Abolition  
of authority

(13) The council of the Corporation may by by-law amend or repeal a by-law passed under the authority of subsection 1, and upon the passing of a by-law to repeal, the parking authority shall cease to exist and the whole of its undertaking, property, documents and other assets shall be and become vested in the Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

Grant to  
The Jewish  
Home for  
the Aged  
of Toronto  
authorized

6. The council of the Corporation may make a grant of \$225,000 to The Jewish Home for the Aged of Toronto to be used in the construction of a new Jewish home for the aged in the Township of North York, in the County of York, and may pass a by-law for the issue of debentures to raise such sum of \$225,000, or any portion thereof, without the assent of the electors qualified to vote on money by-laws.

7. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

8. This Act may be cited as *The City of Toronto Act, 1952*. Short title

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. WEAVER

---

(*Private Bill*)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Toronto**

---

MR. WEAVER

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*(Reprinted as amended by the Committee on Private Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto by Preamble  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Subject to the approval of the Department of Highways, Requiring trucks and buses to use curb lanes  
the council of the Corporation may pass by-laws for requiring  
buses and heavy trucks as defined in the by-law to use the  
lane nearest the curb or right side on any highway or part of a  
highway divided into clearly marked lanes and designated in  
the by-law, for requiring the drivers of such buses and heavy  
trucks, except when overtaking and passing another vehicle  
or an obstruction, or in preparation for a left turn, to obey  
the direction on signs erected to indicate such designation  
and for imposing and recovering penalties for contraventions  
of such by-law in the same manner and to the same extent  
as for a by-law passed under *The Municipal Act* for regulating  
traffic approved by the Department of Highways. Rev. Stat., c. 243

2. The council of the Corporation may undertake as a Widening pavements or sidewalks as local improvements  
local improvement work under *The Local Improvement Act*  
the widening of a pavement on a street and the widening of a  
sidewalk in, upon or along a street and may levy the cost  
thereof on the properties fronting or abutting on the work  
in accordance with *The Local Improvement Act*, provided  
that there shall be included in the Corporation's portion of the  
cost so much of the cost of the work as is incurred in the  
construction or reconstruction of that part of the pavement  
on a street that exceeds a width of twenty-eight feet. Rev. Stat., c. 215

3.—(1) The council of the Corporation may by by-law Independent parking authority authorized  
establish an authority to be known as "The Parking Authority  
of Toronto", hereinafter called the parking authority, and  
may entrust to the parking authority the construction, main-  
tenance, control, operation and management of municipal  
parking facilities within the City.



Incorporation and members

(2) The parking authority shall be a public commission and a body politic and corporate and shall consist of three members, each of whom shall be a resident and ratepayer of Toronto and shall be appointed by the council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Council members not qualified

(3) No member of the council shall be eligible to be appointed a member of the parking authority.

Vacancies

(4) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appointment of members

(5) Any member shall be eligible for re-appointment on the expiration of his term of office.

Salary of members

(6) The members may be paid such salary or other remuneration as may be fixed by by-law of the council.

Powers of City transferred to authority

(7) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities by the City shall be exercised by the parking authority and not by the Corporation, but subject to such limitations as the by-law may provide.

Power to fix rates

(8) The parking authority shall have the power and duty to fix rates and charges for the use of any municipal parking facility or part thereof so that the revenue of the authority shall be sufficient to make all parking facilities under its control and management self-sustaining, after providing for such maintenance, depreciation and debt charges as it shall think proper.

Budget and expenditures

(9) The parking authority shall submit to the board of control an annual budget of its estimated revenues and expenses and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall upon the certificate of the parking authority, pay out such money.

(10) Immediately after the end of each year, the parking authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement. <sup>Annual report</sup>

(11) The City auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection. <sup>Audit</sup>

(12) The powers, rights, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority. <sup>Debentures</sup>

(13) The council of the Corporation may by by-law amend or repeal a by-law passed under the authority of subsection 1, and upon the passing of a by-law to repeal, the parking authority shall cease to exist and the whole of its undertaking, property, documents and other assets shall be and become vested in the Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made. <sup>Abolition of authority</sup>

4. The council of the Corporation may make a grant of \$225,000 to The Jewish Home for the Aged of Toronto to be used in the construction of a new Jewish home for the aged in the Township of North York, in the County of York, and may pass a by-law for the issue of debentures to raise such sum of \$225,000, or any portion thereof, without the assent of the electors qualified to vote on money by-laws. <sup>Grant to The Jewish Home for the Aged of Toronto authorized</sup>

5. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

6. This Act may be cited as *The City of Toronto Act, 1952*. <sup>Short title</sup>





An Act respecting the City of Toronto

---

*1st Reading*

March 5th, 1952

*2nd Reading*

*3rd Reading*

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MR. WEAVER

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*(Reprinted as amended by the Committee on  
Private Bills)*

No. 29

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act respecting the City of Toronto**

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MR. WEAVER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





No. 29

1952

# BILL

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto by Preamble  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Subject to the approval of the Department of Highways, the council of the Corporation may pass by-laws for requiring Requiring trucks and buses to use curb lanes  
buses and heavy trucks as defined in the by-law to use the  
lane nearest the curb or right side on any highway or part of a  
highway divided into clearly marked lanes and designated in  
the by-law, for requiring the drivers of such buses and heavy  
trucks, except when overtaking and passing another vehicle  
or an obstruction, or in preparation for a left turn, to obey  
the direction on signs erected to indicate such designation  
and for imposing and recovering penalties for contraventions  
of such by-law in the same manner and to the same extent  
as for a by-law passed under *The Municipal Act* for regulating Rev. Stat., c. 243  
traffic approved by the Department of Highways.

2. The council of the Corporation may undertake as a Widening pavements or sidewalks as local improvements  
local improvement work under *The Local Improvement Act*  
the widening of a pavement on a street and the widening of a  
sidewalk in, upon or along a street and may levy the cost  
thereof on the properties fronting or abutting on the work  
in accordance with *The Local Improvement Act*, provided Rev. Stat., c. 215  
that there shall be included in the Corporation's portion of the  
cost so much of the cost of the work as is incurred in the  
construction or reconstruction of that part of the pavement  
on a street that exceeds a width of twenty-eight feet.

3.—(1) The council of the Corporation may by by-law Independent parking authority authorized  
establish an authority to be known as "The Parking Authority  
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tenance, control, operation and management of municipal  
parking facilities within the City.

Incorporation and members

(2) The parking authority shall be a public commission and a body politic and corporate and shall consist of three members, each of whom shall be a resident and ratepayer of Toronto and shall be appointed by the council on the nomination of the board of control, and no appointment shall be made by such council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Council members not qualified

(3) No member of the council shall be eligible to be appointed a member of the parking authority.

Vacancies

(4) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appointment of members

(5) Any member shall be eligible for re-appointment on the expiration of his term of office.

Salary of members

(6) The members may be paid such salary or other remuneration as may be fixed by by-law of the council.

Powers of City transferred to authority

(7) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities by the City shall be exercised by the parking authority and not by the Corporation, but subject to such limitations as the by-law may provide.

Power to fix rates

(8) The parking authority shall have the power and duty to fix rates and charges for the use of any municipal parking facility or part thereof so that the revenue of the authority shall be sufficient to make all parking facilities under its control and management self-sustaining, after providing for such maintenance, depreciation and debt charges as it shall think proper.

Budget and expenditures

(9) The parking authority shall submit to the board of control an annual budget of its estimated revenues and expenses and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein contained shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall upon the certificate of the parking authority, pay out such money.

(10) Immediately after the end of each year, the parking authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement. <sup>Annual report</sup>

(11) The City auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection. <sup>Audit</sup>

(12) The powers, rights, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority. <sup>Debentures</sup>

(13) The council of the Corporation may by by-law amend or repeal a by-law passed under the authority of subsection 1, and upon the passing of a by-law to repeal, the parking authority shall cease to exist and the whole of its undertaking, property, documents and other assets shall be and become vested in the Corporation and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made. <sup>Abolition of authority</sup>

4. The council of the Corporation may make a grant of \$225,000 to The Jewish Home for the Aged of Toronto to be used in the construction of a new Jewish home for the aged in the Township of North York, in the County of York, and may pass a by-law for the issue of debentures to raise such sum of \$225,000, or any portion thereof, without the assent of the electors qualified to vote on money by-laws. <sup>Grant to The Jewish Home for the Aged of Toronto authorized</sup>

5. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

6. This Act may be cited as *The City of Toronto Act, 1952*. <sup>Short title</sup>





*1st Reading*

March 5th, 1952

*2nd Reading*

March 26th, 1952

*3rd Reading*

March 28th, 1952

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MR. WEAVER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act respecting the Town of Fort Erie

---

MR. HOUCK

---

(PRIVATE BILL)





# BILL

## An Act respecting the Town of Fort Erie

**W**HEREAS The Corporation of the Town of Fort Erie Preamble  
 by its petition has prayed for special legislation with  
 respect to the constitution of its Recreation Committee  
 established under the regulations under *The Department of* Rev. Stat.,  
cc. 94,  
58, 314  
*Education Act* (hereinafter called the Committee), the Fort  
 Erie Community Memorial Arena Commission established  
 under *The Community Centres Act* (hereinafter called the  
 Commission), and the Fort Erie Board of Park Management  
 established under *The Public Parks Act* (hereinafter called  
 the Board); and whereas it is expedient to grant the prayer  
 of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

1.—(1) Notwithstanding *The Department of Education Act* Constitu-  
tion of  
Committee,  
etc.  
 and the regulations thereunder, *The Community Centres Act*  
 and the regulations thereunder, and *The Public Parks Act*,  
 the Committee, the Commission and the Board shall each con-  
 sist of the head of the council of the Town as a member  
*ex officio*, two members of the council of the Town to be  
 appointed annually by the council, and six members, who are  
 residents of the Town and are not full-time employees of the  
 Town or a local board thereof, to be appointed by the council.

(2) The Committee, the Commission and the Board may Idem  
 be composed of the same persons.

(3) The members who are not members of the council Term of  
office of  
non-council  
members  
 shall hold office for three years, provided that on the first  
 appointment the council, from among such six members,  
 shall designate members who shall hold office,

(a) until the 1st day of January of the year following  
 the date of appointment;

(b) until the 1st day of January of the second year  
 following the date of appointment;

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that one-third of such non-council members shall retire each year.

Re-appoint-  
ment

(4) The members shall hold office until their successors are appointed and shall be eligible for re-appointment.

Vacancies

(5) Where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Quorum

(6) A majority of the members shall constitute a quorum.

Chairman  
and vice-  
chairman

(7) The Committee, the Commission and the Board shall elect a chairman, and a vice-chairman who shall preside in the absence of the chairman, and one person may but need not be chairman of the Committee, the Commission and the Board and one person may but need not be vice-chairman of the Committee, the Commission and the Board.

Authority  
of Com-  
mittee,  
etc.

Rev. Stat.,  
cc. 94, 58,  
314

2.—(1) The Committee, the Commission and the Board shall in all matters have and retain the authority and powers granted under and shall be deemed to have been established in accordance with the provisions of *The Department of Education Act* and the regulations thereunder, *The Community Centres Act* and the regulations thereunder and *The Public Parks Act*, respectively.

Grants

(2) Nothing in this Act shall be deemed to affect the eligibility of the Town, or of the Committee, the Commission or the Board, for any grants under any Act of the Legislature to which it would otherwise be entitled.

Commission  
to be board  
under  
Rev. Stat.,  
c. 58

(3) The Commission shall be the board under *The Community Centres Act* for all community centres established under that Act for the Town.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Fort Erie Act, 1952*.







---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. HOUCK

---

(*Private Bill*)



No. 30

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act respecting the Town of Fort Erie

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MR. HOUCK

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 30

1952

# BILL

## An Act respecting the Town of Fort Erie

**W**HEREAS The Corporation of the Town of Fort Erie Preamble by its petition has prayed for special legislation with respect to the constitution of its Recreation Committee established under the regulations under *The Department of Education Act* (hereinafter called the Committee), the Fort Rev. Stat., cc. 94, 58, 314 Erie Community Memorial Arena Commission established under *The Community Centres Act* (hereinafter called the Commission), and the Fort Erie Board of Park Management established under *The Public Parks Act* (hereinafter called the Board); and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding *The Department of Education Act* Constitution of Committee, etc. and the regulations thereunder, *The Community Centres Act* and the regulations thereunder, and *The Public Parks Act*, the Committee, the Commission and the Board shall each consist of the head of the council of the Town as a member *ex officio*, two members of the council of the Town to be appointed annually by the council, and six members, who are residents or ratepayers of the Town and are not full-time employees of the Town or a local board thereof, to be appointed by the council.

(2) The Committee, the Commission and the Board may Idem be composed of the same persons.

(3) The members who are not members of the council shall hold office for three years, provided that on the first Term of office of non-council members appointment the council, from among such six members, shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment;

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that one-third of such non-council members shall retire each year.

Re-appointment

(4) The members shall hold office until their successors are appointed and shall be eligible for re-appointment.

Vacancies

(5) Where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Quorum

(6) A majority of the members shall constitute a quorum.

Chairman and vice-chairman

(7) The Committee, the Commission and the Board shall elect a chairman, and a vice-chairman who shall preside in the absence of the chairman, and one person may but need not be chairman of the Committee, the Commission and the Board and one person may but need not be vice-chairman of the Committee, the Commission and the Board.

Authority of Committee, etc.

Rev. Stat.,  
cc. 94, 58,  
314

2.—(1) The Committee, the Commission and the Board shall in all matters have and retain the authority and powers granted under and shall be deemed to have been established in accordance with the provisions of *The Department of Education Act* and the regulations thereunder, *The Community Centres Act* and the regulations thereunder and *The Public Parks Act*, respectively.

Grants

(2) Nothing in this Act shall be deemed to affect the eligibility of the Town, or of the Committee, the Commission or the Board, for any grants under any Act of the Legislature to which it would otherwise be entitled.

Commission to be board under  
Rev. Stat.,  
c. 58

(3) The Commission shall be the board under *The Community Centres Act* for all community centres established under that Act for the Town.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Fort Erie Act, 1952*.









An Act respecting the Town of Fort Erie

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*1st Reading*

February 28th, 1952

*2nd Reading*

March 24th, 1952

*3rd Reading*

March 27th, 1952

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Mr. Houck

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act respecting Credit Foncier Franco-Canadien

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MR. ROBERTS

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(PRIVATE BILL)



# BILL

## An Act respecting Credit Foncier Franco-Canadien

**W**HEREAS Credit Foncier Franco-Canadien by its Preamble petition has represented that it was incorporated by an Act of the Legislature of the Province of Quebec, entitled *An Act to incorporate the "Credit Foncier Franco-Canadien"*,<sup>1880, c. 60</sup> being chapter 60 of the Statutes of Quebec, 1880, and that (Que.) the Company is authorized to carry on business in Ontario by *An Act respecting the Credit Foncier Franco-Canadien*,<sup>1881, c. 51</sup> being chapter 51 of the Statutes of Ontario, 1881, which last-mentioned Act was amended by *The Credit Foncier Franco-Canadien Act, 1946*; and whereas the Company is desirous of having its power to acquire real estate for its own purposes enlarged so as to authorize it to acquire and hold such real estate as is necessary for the transaction of its business in Ontario and, when so authorized by the Lieutenant-Governor in Council, to acquire or construct a building larger than is required for the transaction of its business; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *An Act respecting the Credit Foncier Franco-Canadien*, being chapter 51 of the Statutes of Ontario, 1881,<sup>1881, c. 51, s. 9, re-enacted</sup> as amended by subsection 3 of section 1 of *The Credit Foncier Franco-Canadien Act, 1946*, is repealed and the following substituted therefor:

- 9.—(1) The said corporation may acquire and hold for its own use and benefit such real estate as is necessary for the transaction of its business in Ontario or is acquired or held bona fide for building upon or improving for that purpose, and when so authorized by the Lieutenant-Governor in Council may acquire or may construct on any land so held a building larger than is required for the transaction of its business and may lease any part of the building not so required or may sell, mortgage or dispose of such real estate.

Idem	(2) The said corporation may also hold real estate, which having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same, but it shall sell or otherwise dispose of real estate so acquired subject to and within the time limited under <i>The Loan and Trust Corporations Act</i> for a corporation not being a loaning land corporation.
Rev. Stat., c. 214	
Commence- ment	<b>2.</b> This Act comes into force on the day it receives Royal Assent.
Short title	<b>3.</b> This Act may be cited as <i>The Credit Foncier Franco-Canadien Act, 1952.</i>









An Act respecting Credit Foncier  
Franco-Canadien

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS

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*(Private Bill)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

**An Act respecting Credit Foncier Franco-Canadien**

---

MR. ROBERTS

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# BILL

## An Act respecting Credit Foncier Franco-Canadien

**W**HEREAS Credit Foncier Franco-Canadien by its Preamble petition has represented that it was incorporated by an Act of the Legislature of the Province of Quebec, entitled *An Act to incorporate the "Credit Foncier Franco-Canadien"*,<sup>1880, c. 60 (Que.)</sup> being chapter 60 of the Statutes of Quebec, 1880, and that the Company is authorized to carry on business in Ontario by *An Act respecting the Credit Foncier Franco-Canadien*,<sup>1881, c. 51</sup> being chapter 51 of the Statutes of Ontario, 1881, which last-mentioned Act was amended by *The Credit Foncier Franco-Canadien Act, 1946*; and whereas the Company is desirous of having its power to acquire real estate for its own purposes enlarged so as to authorize it to acquire and hold such real estate as is necessary for the transaction of its business in Ontario and, when so authorized by the Lieutenant-Governor in Council, to acquire or construct a building larger than is required for the transaction of its business; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 9 of *An Act respecting the Credit Foncier Franco-Canadien*, being chapter 51 of the Statutes of Ontario, 1881,<sup>1881, c. 51, s. 9, re-enacted</sup> as amended by subsection 3 of section 1 of *The Credit Foncier Franco-Canadien Act, 1946*, is repealed and the following substituted therefor:

- 9.—(1) The said corporation may acquire and hold for its own use and benefit such real estate as is necessary for the transaction of its business in Ontario or is acquired or held bona fide for building upon or improving for that purpose, and when so authorized by the Lieutenant-Governor in Council may acquire or may construct on any land so held a building larger than is required for the transaction of its business and may lease any part of the building not so required or may sell, mortgage or dispose of such real estate.

Idem

- (2) The said corporation may also hold real estate, which having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same, but it shall sell or otherwise dispose of real estate so acquired subject to and within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land corporation.

Rev. Stat.,  
c. 214

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Credit Foncier Franco-Canadien Act, 1952*.









BILL

An Act respecting Credit Foncier  
Franco-Canadien

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*1st Reading*

February 28th, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

March 17th, 1952

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MR. ROBERTS

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

**An Act respecting the City of Kingston**

---

MR. NICKLE

---

(PRIVATE BILL)



# BILL

## An Act respecting the City of Kingston

**W**HEREAS The Corporation of the City of Kingston Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Order P.F. C-4238 dated the 1st day of November, Annexation  
1951, and Order P.F. C-4238 dated the 20th day of December, orders  
1951, of the Ontario Municipal Board, set forth as Schedules confirmed  
A and B hereto respectively, are hereby confirmed.

2. In addition to the powers contained in subsections Sewer rental  
2 and 5 of section 389 of *The Municipal Act*, the council of Rev. Stat.,  
The Corporation of the City of Kingston may by by-law c. 243  
provide for imposing upon owners or occupants of land a  
surcharge on water rates, to be known as a "sewer rental",  
for payment of any part of the outstanding capital cost of  
any existing work as defined in clause *j* of subsection 1 of  
section 389 of *The Municipal Act*, and if any of the revenue  
therefrom is not required for this purpose, may provide for  
applying and using such revenue for future capital expenditures  
on such work or on treatment works.

3. In addition to the powers contained in paragraph 63 Industrial  
of subsection 1 of section 388 of *The Municipal Act*, the council sites  
of The Corporation of the City of Kingston may pass by-laws  
authorizing the acquisition by purchase or expropriation of  
land for industrial sites and may pass by-laws authorizing  
the borrowing of money for that purpose, not exceeding the  
sum of \$100,000, and if and when such land is sold from time  
to time by The Corporation of the City of Kingston may  
pass by-laws authorizing the use of the proceeds therefrom  
for a similar purpose.

4.—(1) Subject to the approval of the Ontario Municipal Trailer  
Board, the council of The Corporation of the City of Kingston camp

may pass by-laws designating certain areas within its corporate limits as trailer camp areas and providing for regulations governing the use and operation of such areas.

Use of  
trailers  
for human  
habitation

(2) The council of The Corporation of the City of Kingston may pass by-laws prohibiting trailers used for human habitation to be located and used within the municipality, including those so located and used at the present time notwithstanding the fact that they may have been heretofore located, except in such trailer camps as may be authorized and approved by a by-law of The Corporation of the City of Kingston.

Removal  
of con-  
demned  
buildings,  
etc.

5. Subject to the approval of the Ontario Municipal Board, the council of The Corporation of the City of Kingston may pass by-laws ordering the removal of any building which upon the recommendation of the medical officer of health of The Corporation of the City of Kingston has been condemned pursuant to section 97 of *The Public Health Act*, as unfit for human habitation or dangerous to health, unless alterations to make such a building fit for human habitation and safe for health can be made in the opinion of the medical officer of health, the building inspector and the fire inspector of The Corporation of the City of Kingston and have been so made within six months of notice of such condemnation.

Sewer  
connections

6. The council of The Corporation of the City of Kingston may pass by-laws requiring any owner of a house on land which abuts on a street where there is a sewer to have all plumbing and drainage fixtures, except storm drains, of such houses connected with such sewer.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Kingston Act, 1952*.



## SCHEDULE A

P.F. C-4238

## THE ONTARIO MUNICIPAL BOARD

Thursday, the First day of November, A.D. 1951.

BEFORE

R. C. ROWLAND,  
Vice-Chairman

—and—

C. D. WIGHT,  
Member.IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, C.243) andIN THE MATTER OF an application  
by the Corporation of the City of  
Kingston for annexation thereto  
of (a) the Village of Portsmouth  
(b) Portions of the Township of  
Kingston, (c) Butterill Farm, as  
set out in Schedule "A" annexed  
hereto.

UPON THE APPLICATION of The Corporation of the City of Kingston in the presence of Counsel for The Corporation of the Village of Portsmouth, The Corporation of the County of Frontenac, The Corporation of the Township of Kingston, The Board of School Trustees of School Area No. 2 of the Township of Kingston, the Aluminum Company of Canada Limited, and the Point Pleasant Property Owners Association and of certain property owners and residents in the Township of Kingston who appeared in person, upon hearing read by-laws Nos. 826, 827 and 828 of the City of Kingston filed with this Board authorizing this application, and upon hearing the evidence adduced at a public hearing held at the City of Kingston on the 12th, 13th and 14th days of December, A.D. 1950, and the 8th, 9th and 10th days of January, A.D. 1951, pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by the Counsel aforesaid and by the aforesaid owners and residents, and this Board having been pleased to direct that this application stand over for order and the same coming on this day for order.

1. THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act*, R.S.O. 1950, C. 243, that the whole of the Village of Portsmouth and that part of the Township of Kingston described in Schedule "A" hereto be and the same are hereby annexed to the City of Kingston, the present boundaries of which are more particularly described in Schedule "B" hereto; provided, however, that the Township of Kingston may, from time to time, in respect of access for surface drainage purposes to the western boundary of the Little Cataraqui River, exercise such rights for surface drainage and for expropriation, if necessary, to effectually carry out or exercise same, as are authorized by *The Public Health Act*, R.S.O. 1950, Chapter 306, and *The Municipal Act*, R.S.O. 1950, Chapter 243.

2. AND THE BOARD FURTHER ORDERS that subject to Section 20, s.s. 15 and 16 of *The Municipal Act*, R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect 12:00 o'clock midnight on the 31st day of December, 1951, and that until such time the Township of Kingston and the Village of Portsmouth shall be responsible for municipal services in their respective areas.

## 3. AND THE BOARD FURTHER ORDERS:

(a) That all lands in the districts described in Schedule "A" belonging to The Corporation of the Township of Kingston and the Village of Portsmouth as of the date of this Order or subsequently acquired up to 1 January, 1952, and any property sold for taxes by the County of Frontenac to

the Township of Kingston within the district of the Township of Kingston described in Schedule "A" tax deeds for which have not been delivered to the Township, shall belong to and be vested in The Corporation of the City of Kingston, and in the case of the tax deeds, the County of Frontenac shall deliver such tax deeds to the City of Kingston.

(b) That the interest of the districts of the Township of Kingston described in Schedule "A" in the following assets of the Township shall be determined as that proportion of the total of such assets of the Township as the assessment of said districts made in 1950, rateable for general purposes in 1951, bears to the total assessment of the Township made in 1950 rateable for general purposes in 1951:

Cash and bank balances less the amount of debentures due but unpaid and debenture coupons due but unpaid at December 31, 1951, as provided in Clause 3(g);

Accounts receivable;

Amounts due from the Province of Ontario;

Amounts due from the Government of Canada;

Taxes receivable;

Equipment;

Supplies.

(c) That the following liabilities shall be apportioned to the districts of the Township of Kingston described in Schedule "A" in the proportion of the assessment of said districts made in 1950, rateable for general purposes in 1951, to the total assessment of the Township made in 1950 rateable for general purposes in 1951:

Trade accounts payable for general purposes;

Amounts due to other municipalities.

(d) That the excess of the interest of the said districts of the Township of Kingston as described in Schedule "A" in assets as determined in (b) above over the proportion of the liabilities of said districts as determined in (c) above shall be paid by the Corporation of the Township of Kingston to the Corporation of the City of Kingston on or before the 31st day of December, 1952.

(e) That all debenture debt incurred in respect of schools built in and in respect of local improvements made in the districts of the Township of Kingston described in Schedule "A" shall after December 31st, 1951, be paid by the City of Kingston as the principal and interest of the debentures become due, and the Corporation of the City of Kingston shall indemnify the Corporation of the Township of Kingston against the same.

(f) That the respective budgets of the Township of Kingston and the Village of Portsmouth for the year 1951, exclusive of expenditures for school purposes, shall be submitted for approval to the Board on or before the fifteenth day of July, 1951, and any excess of expenditure made during the year 1951 over the amount approved by the Board in the said budgets shall:

- (i) As to the Township of Kingston be borne by the remainder of the Township which is not annexed to the City of Kingston; and
- (ii) As to the Village of Portsmouth shall be borne by the ratepayers of the area presently comprising the Village of Portsmouth by a special tax levy on them by the City of Kingston for the year 1952.

(g) That the Corporation of the Township of Kingston shall be liable and responsible for payment of its debentures due but unpaid and debenture coupons due but unpaid as of December 31st, 1951, and such debts shall be paid out of the funds of the Township of Kingston, as provided for in Clause 3(b) above.

(h) All of the property and assets and rights of The Corporation of the Village of Portsmouth shall be vested in The Corporation of the City of Kingston as of midnight, the 31st day of December, 1951, and thereafter The Corporation of the City of Kingston shall be liable to the creditors of the former Corporation of the Village of Portsmouth for its debts and obligations, and The Corporation of the City of Kingston shall have the same rights and powers with respect to the collection and recovery of all unpaid taxes imposed by the Council of the former municipality of the Village of Portsmouth, including those for the year 1951 and prior years, as if such taxes had been imposed by the Council of the City of Kingston to which the Village of Portsmouth on the said date becomes annexed; and The Corporation of the City of Kingston shall have the right to collect any further claims against third parties in the said manner and with all the powers which The Corporation of the Village of Portsmouth had or would have had if this Order for Annexation had not been made; and after 31 December, 1951, The Corporation of the Village of Portsmouth shall cease to exist.

(i) That the assets and liabilities of the Water Area of the Township of Kingston, established by By-law No. 511, shall not be taken into account in the division of the assets and liabilities, but shall be transferred to the Corporation of the City of Kingston and the City of Kingston shall have the right to levy for any deficit for the Water Area against the owners of property in the Water Area.

#### 4. AND THE BOARD FURTHER ORDERS:

(a) That the taxes, including business taxes, assessments, rents, school and other rates in respect of the said districts described in Schedule "A" to be levied by the City of Kingston shall, after the 31st day of December, 1951, be payable at the same time and in the same manner as taxes, including business taxes, assessments, rents, school and other rates levied and raised from time to time on the lands within the former boundaries of the City of Kingston as they existed on 1st January, 1950, and the assessment of lands of the said districts described in Schedule "A" made after 31st December, 1951, shall be on the same basis and made at the same time and in the same manner as lands within the former boundaries of the City of Kingston.

(b) Notwithstanding any provisions to the contrary in *The Assessment Act* and that the effective date of the annexation of the said districts is December 31, 1951, it shall be the duty of the assessor of the City of Kingston, and he shall have all of the powers of an assessor under *The Assessment Act*, to assess the land in the said districts in the year 1951 for tax purposes for the 1952, and such assessment shall be conducted in the same manner as the assessment made within the boundaries of the City of Kingston; and the time for the return of the Assessment roll in the said districts is hereby extended for ninety days after the 30th September, 1951; and all such assessments so made shall be subject to the same right of appeal as applies to assessments made within the boundaries of the City of Kingston, and appeals from such assessments so made shall be made to the Court of Revision of the City of Kingston, and such Court shall have authority to deal with them and the assessment rolls so made and confirmed shall constitute a part of the last revised assessment roll of the City of Kingston for all purposes, and such assessment when so made and finally revised, together with the assessment made within the boundaries of the City of Kingston, shall form the basis of the levy for taxes by the City of Kingston for the year 1952, and such taxes when so levied shall be payable to the City of Kingston; and that the Assessor of the Township of Kingston shall be relieved from making any assessment for the year 1951 of any property in the district described in Schedule "A" or making any assessment roll or rolls with respect thereto.



(c) That the Township of Kingston and the Village of Portsmouth shall each prepare and deliver on or before May 15, 1951, to the City of Kingston a copy of the assessment rolls made in 1950 for 1951 taxes in respect of the lands in the said districts; and the Township of Kingston and Village of Portsmouth shall at all reasonable times allow the City of Kingston, its servants and agents, access to the assessment rolls of the said districts and to all local improvement by-laws and local improvement assessment rolls and all plans, surveys, maps and books and records of the said districts. After the 31st day of December, 1951, The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth will hand over to The Corporation of the City of Kingston all local improvement by-laws, local improvement assessment rolls, and all by-laws authorizing the issue of debentures, and all plans, surveys and maps in respect of the said districts; Provided, however, that the Township of Kingston shall be required to hand over originals only of the plans, surveys and maps of those areas which do not effect any other part of the Township than the parts described in Schedule "A" hereto, but in the case of those plans, surveys and maps which do effect other parts of the Township than those described in Schedule "A", hereto, the Township shall make and give to The Corporation of the City of Kingston, but at the latter's expense, true copies of same.

(d) Notwithstanding that the effective date of annexation is the 31st day of December, 1951, The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth shall during the year 1951, if requested to do so by The Corporation of the City of Kingston, enter into the agreements contemplated by and of the type referred to in Section 61 of *The Local Improvement Act*.

#### 5. AND THE BOARD FURTHER ORDERS:

(a) That all taxes imposed by The Corporation of the Township of Kingston in the districts described in Schedule "A" to December 31st, 1951, and all arrears of taxes owing upon lands in the said districts shall belong to and be collected by The Corporation of the Township of Kingston; and to effectively carry this out, The Corporation of the Township of Kingston shall retain all statutory powers for the collection and recovery of arrears of taxes without affecting the right of The Corporation of the City of Kingston to enforce all statutory powers in respect of taxes subsequently levied by it. The provisions of Section 38(2) of *The Municipal Act* shall apply to all arrears of taxes notwithstanding the date upon which such taxes became in arrears.

6. AND THE BOARD FURTHER ORDERS that the lands in the districts described in Schedule "A" which fall within the description of Section 35 of *The Assessment Act* as amended in the year 1951 held and used for the purposes therein described shall be dealt with by The Corporation of the City of Kingston as therein provided.

#### 7. AND THE BOARD FURTHER ORDERS:

(a) That the public schools and school sites in the districts described in Schedule "A" shall vest in the Board of Education for the City of Kingston, and all separate schools and school sites in the districts described in Schedule "A" shall vest in The Board of Trustees of the Roman Catholic Separate Schools for the City of Kingston, and the whole of the assets and liabilities of the Boards of Education in the Village of Portsmouth and School Area No. 1 of the Township of Kingston shall vest in the respective Boards of the City of Kingston, by whom the liabilities if any in respect thereof shall be assumed and paid; and no capital expenditures shall be made by the said Public School Boards in the said School Area No. 1 or in the Village of Portsmouth during the year 1951 without first obtaining the approval of the Board of Education for the City of Kingston and of The Corporation of the City of Kingston and the Ontario Municipal Board. The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth shall in 1951 levy sufficient taxes to pay the expenses of the said Public School Boards within the Township of Kingston and the Village of Portsmouth and in the event that they do not so and that there is a deficit in any of the operations of the said Boards, The Corporation of the City of Kingston may in 1952 make

a special levy on the taxpayers of the said district or districts described in Schedule "A" (or of the Village of Portsmouth, as the case may be) to recover the amount of the said deficit or deficits; and that the Boards of Education of the Village of Portsmouth and School Area No. 1 of the Township of Kingston and the Trustees of the Roman Catholic Separate Schools for the Village of Portsmouth shall, after 31 December, 1951, cease to exist.

(b) For a period of two years commencing on the 1st January, 1952, all children residing in that portion of School Area No. 1 of the Township of Kingston which is not annexed to the City of Kingston shall be entitled to attend the schools in that portion of School Area No. 1 of the Township of Kingston which is annexed to the City of Kingston, and for a further period of three years thereafter shall be entitled to attend such schools to the extent of the available facilities thereof as such facilities now exist or have been authorized; PROVIDED, however, that at any time and from time to time the Corporation of the City of Kingston, the Board of Education of the City of Kingston, the Corporation of the Township of Kingston, the Public School Board of the Township of Kingston or any of them may apply to the Board for a variation of this clause of this order in so far as it relates to the right to attend such schools in the said three year period commencing January 1st, 1954, and such right shall not be terminated prior to January 1st, 1957, without the prior approval of the Board. The Corporation of the Township of Kingston shall pay to the appropriate Boards of the City of Kingston, at the authorized non-resident rate, for the attendance of all such pupils attending such schools.

8. AND THE BOARD FURTHER ORDERS that The Corporation of the City of Kingston shall make local improvement assessments and levies under and by virtue of the local improvement by-laws of The Corporation of the Township of Kingston and of The Corporation of the Village of Portsmouth which are in force as of 31 December, 1951, in any of the said districts, with all the powers and rights as if The Corporation of the City of Kingston had originally enacted the said by-laws under *The Local Improvement Act*.

9. AND THE BOARD DOTH FURTHER ORDER that the County of Frontenac shall indemnify The Corporation of the City of Kingston with respect to any amount of the High School debenture debt of the County of Frontenac claimed against any ratepayer resident in the districts described in Schedule "A" hereto, and all of such ratepayers shall be relieved of paying the annual rates for the said High School debenture debt.

10. AND THE BOARD DOTH FURTHER ORDER that the administration of justice costs, and the costs of the upkeep and maintenance of the Court House, Registry Office and Jail be re-apportioned as between The Corporation of the County of Frontenac and The Corporation of the City of Kingston in a manner to be agreed upon and, failing agreement by the 30th June, 1952, that the matter be referred to the County Court Judge for arbitration under and by virtue of the provisions of *The Municipal Act*.

11. AND THE BOARD FURTHER ORDERS that The Corporation of the Township of Kingston shall indemnify and save harmless The Corporation of the City of Kingston, to the extent of twenty-five per cent thereof, from all losses, costs, charges and expenses arising from any act or omission of The Corporation of the Township of Kingston, its officials or servants, up to December 31, 1951.

12. AND THE BOARD FURTHER ORDERS that The Corporation of the Village of Portsmouth and The Corporation of the Township of Kingston convey to The Corporation of the City of Kingston any other lands or any other rights in the said districts described in Schedule "A" not hereinbefore particularly described, provided that each shall do all other acts and things necessary to effectively carry out the intent of this Order.

13. AND THE BOARD FURTHER ORDERS:

(a) That the districts described in Schedule "A" shall be included in the existing wards of the City of Kingston, which is hereby authorized



subject to the approval of the Ontario Municipal Board to be obtained prior to 1 September, 1952, to lay out new boundaries for the various wards which shall be the ward boundaries for the municipal elections to be held in the City of Kingston in December, 1952.

(b) That the electors in the districts described in Schedule "A" shall not vote in the municipal elections and the elections for trustees of the School Board in the Township of Kingston in December, 1951, save as provided in the following paragraphs (c) and (d).

(c) That the electors in the Village of Portsmouth shall vote in the municipal elections to be held by the Village of Portsmouth, and elect one alderman who shall represent the district now comprising the Village of Portsmouth in the City Council until December 31, 1952, and that the electors in the district of the Township of Kingston described in Schedule "A" shall vote at the municipal elections to be held by the Township of Kingston, and shall elect two aldermen who shall sit in the Council of the City of Kingston representing their district until December 31, 1952, and the Council of the Corporation of the City of Kingston for the year 1952 only shall be enlarged accordingly; and that special voters' lists be prepared by The Corporation of the City of Kingston for the said elections, but the election shall be carried on by the City Clerk of the City of Kingston, provided however, that the qualifications of voters in the Village of Portsmouth shall be the same as those of voters for the Corporation of the City of Kingston, and that the Voters' List for the district of the Township of Kingston described in Schedule "A", be prepared from the last certified Voters' List of the Township of Kingston, in accordance with Section 102 of *The Municipal Act*.

(d) That the electors in the Village of Portsmouth entitled respectively to vote for public and separate school Trustees shall vote in the election for members of the said Boards of such Trustees to be held by the Village of Portsmouth and shall elect one Public and one Separate School Trustee who shall represent the district now comprising the Village of Portsmouth on the Board of Education of the City of Kingston and the Separate School Board of the City of Kingston until December 31, 1952; and that the electors in the district of the Township of Kingston described in Schedule "A" entitled respectively to vote for Public and Separate School Trustees shall vote at the election of such Trustees to be held in the Township of Kingston and shall elect one Public and one Separate School Trustee who shall represent the said district on the Board of Education of the City of Kingston and the Board of Trustees of the Roman Catholic Separate Schools of the City of Kingston until December 31, 1952; and that the Board of Trustees of the Roman Catholic Separate Schools for the City of Kingston and the Board of Education for the City of Kingston shall be enlarged accordingly for the year 1952 only, and that The Corporation of the City of Kingston shall prepare a special voters' list for the Village of Portsmouth and the said district of the Township of Kingston for the said elections, and the election shall be carried on at the same time as the election for aldermen, and shall be carried out in the manner provided under *The Boards of Education Act* and *The Separate Schools Act*, as the case may be, for Public and Separate School Trustees.

#### 14. AND THE BOARD FURTHER ORDERS:

(a) That By-law No. 511-1947, as amended, and all building, planning and zoning by-laws of the Township of Kingston and all building, planning and zoning by-laws of the Village of Portsmouth in force as of 31st December, 1951, in the said districts described in Schedule "A" shall remain in effect until altered, varied, changed or rescinded by the by-laws of The Corporation of the City of Kingston.

(b) That all by-laws of The Corporation of the City of Kingston in force as of December 31, 1951, shall from and after December 31, 1951, *mutatis mutandis*, apply and be in force in the districts described in Schedule "A".

(c) That notwithstanding subsections (a) and (b) of this section, neither the by-laws therein referred to nor any future by-laws of the City of Kingston shall prevent, interfere with, hinder or affect the operation by the Aluminum Company of Canada Limited, its successors or assigns, of any manufacturing processes of the type or character now carried

on in the said Township by the said Company or of a type or character similar, incidental or related thereto, upon any of the lands presently owned by it in the said district, consisting of approximately 310 acres, or upon any additional land in the said district, not exceeding in area 250 acres, contiguous or adjacent to the said 310 acres, which may be hereafter acquired by the said Company, its successors or assigns.

15. AND THE BOARD FURTHER ORDERS:

(a) The provisions of Section 66 (1) of *The Municipal Act* shall govern the time and place for nomination meetings and the days fixed for polling for the purposes of the elections referred to in paragraph 13 of this Order and, except as hereinbefore provided, the provisions of Section 102 of the said Act shall apply to the preparation and delivery of the voters' list for the said elections.

(b) The Corporation of the City of Kingston may, for the purpose of the said elections exercise the powers conferred upon a local municipality by Section 81 of *The Municipal Act* in respect of the Village of Portsmouth and that part of the Township of Kingston described in Schedule "A" hereto, and shall pass a by-law for such purpose on or after the 29th day of November 1951, and before the 15th day of December 1951.

(c) The City Clerk of the City of Kingston shall be the returning officer for the purpose of the said elections and, in addition to all other powers and duties imposed upon him in that capacity, he shall on or before the 15th day of December 1951, appoint in writing returning officers to hold the nominations, if required, and the deputy returning officers, poll clerks and election assistants required or deemed necessary for the conduct of the said elections.

16. AND THE BOARD FURTHER ORDERS:

(a) That no capital expenditures shall be made by The Corporation of the Township of Kingston or The Corporation of the Village of Portsmouth in respect to the said districts during the year 1951 unless the approval of The Corporation of the City of Kingston and the Board is first had and obtained, and if such approval is procured no contracts shall be let for any works involved in such capital expenditures until the approval of The Corporation of the City of Kingston thereto is first procured.

(b) That in the event that such capital expenditures are approved and contracts in respect thereof are let and such work is undertaken and is wholly or partially completed by the effective date of the annexation provided for in this Order, The Corporation of the City of Kingston shall be entitled to issue debentures in respect thereof in the same manner and to the same extent as if said works had been initially undertaken by The Corporation of the City of Kingston and as if the capital expenditures therein involved had been originally undertaken by The Corporation of the City of Kingston and the work involved in such capital expenditures had been undertaken by the Corporation of the City of Kingston.

17. AND THE BOARD FURTHER ORDERS that The Corporation of the City of Kingston shall, subject to the approval of the Board, be authorized to issue its debentures in order to pay for any liability or financial obligations which it assumes or for which it may become responsible as a result of this Order.

18. AND THE BOARD FURTHER ORDERS that any matter of financial liability not expressly dealt with in this Order shall not, by reason of such omission be deemed to have been waived by The Corporation of the City of Kingston or the Corporation of the County of Frontenac or the Corporation of the Township of Kingston or the Board of Education for the City of Kingston or the Board of Public School Trustees of Kingston Township Area No. 1, or the Board of Public School Trustees of the Village of Portsmouth or the Board of Separate School Trustees of the Village of Portsmouth, and this Order shall be deemed to cover matters hereinbefore specifically dealt with by this Order, and all other financial matters arising out of the annexation shall be adjusted from time to time



on a fair and equitable basis by and between the parties affected by this Order and, failing agreement, shall be determined by The Ontario Municipal Board.

19. AND THE BOARD hereby reserves all further order or directions within its power in respect of the annexation hereby ordered for further order or orders upon the application of any of the municipalities or local boards or any party affected by this Order.

(L.S.)

(Sgd.) L. R. CUMMING.

DESCRIPTION OF LANDS TO BE ANNEXED TO THE  
CITY OF KINGSTON 1951

*Schedule "A"*

NOTE: Schedule "A" to this Order contains a description of the lands to be annexed. This Schedule was repealed and a new Schedule substituted by Order P.F. C-4238 dated December 20th, 1951, which appears as Schedule B to this Act. Schedule "A" to this Order has therefore been omitted and the description of the lands to be annexed appears in Schedule B to this Act.

DESCRIPTION OF THE LIMITS OF THE PRESENT  
CITY OF KINGSTON

*Schedule "B"*

ALL AND SINGULAR that certain parcel or tract of land and water being the present City of Kingston, County of Frontenac and Province of Ontario; which said parcel or tract may be described in parts as follows:

PART ONE: COMMENCING at the point where the water's edge of Lake Ontario is intersected by the lot limit between Farm Lots 20 and 21 in the First Concession of the Township of Kingston formerly and now City of Kingston;

Thence northerly along said lot limit to the point where it intersects the southerly limit of Johnson Street;

Thence westerly along said southerly limit of street to the point where it intersects the westerly limit of the Palace Road;

Thence northerly along said westerly limit of road to the point of intersection of said limit with the southerly limit of Highway Number 33;

Thence easterly along said southerly limit of Highway to the point where this limit intersects the said lot limit between lots 20 and 21;

Thence northerly along this lot limit to the northwest corner of Lot 21;

Thence easterly in a direct line crossing Concession Street to the southeast angle of Lot 24 Concession Two Township of Kingston;

Thence northerly along the westerly limit of Division Street to the point where this limit is intersected by the westerly production of the limit between Lots 4 and 5 in the Concession West of the Great Cataraqui River;

Thence easterly to, along and on production easterly of said limit between lots 4 and 5 to the easterly water's edge of the Great Cataraqui River;

Thence southerly along said River's easterly edge to the extreme southwesterly point of Point Frederick in the Township of Pittsburg;

Thence southerly and parallel to the said lot limit between lots 20 and 21 a distance of 500 feet from the said southwest point of Point Frederick;

Thence westerly in a straight line to the point of Commencement.

And also as part of the Harbour of the City of Kingston, all the water lying southerly of the above described straight line from the described point 500 feet southerly of Point Frederick to the point of commencement, which may be 500 yards from the main shore of Wolfe Island.

The limits of the above described part one from the point of commencement to the easterly water's edge of the Great Cataraqui River are shown outlined in red on the plans accompanying schedule A made and signed by Campbell T. Smith O.L.S. dated Sept. 25, 1951. And the properties in Lot 5 West of the Great Cataraqui River owned by the Gould Storage Battery Limited and the Frontenac Floor and Wall Tile Co. Limited.

PART TWO: Being the land annexed to the City of Kingston by 20 George V Chap. 84 1930, and said land is particularly shown on Registered plan numbered 172 of registered date June 7th 1930 in the Registry Office of Kingston and Frontenac.

PARCEL THREE: Being the land annexed to the City of Kingston by Chapter 103 of the statutes of Ontario 1931 as given in Schedule B and more particularly described as follows:

ALL AND SINGULAR that parcel of land and land covered with water now situate in the Township of Kingston, in the County of Frontenac as follows:

COMMENCING at a point where the line of the easterly face of the dock of the Kingston Elevator Company produced intersects the southerly limit of Concession 1 of said Township, the said easterly face of dock being the easterly limit of the land annexed to the City of Kingston by *City of Kingston Act 1930*, thence south 19 degrees 30 minutes east along the line of the face of the said dock to a point where the said line produced southerly would intersect the extension of the westerly production of the harbour line of the said City; thence easterly along the said westerly production of the said harbour line to a point where the said harbour line intersects the production southerly of the line between lots numbers 16 and 17 in the First Concession of the said Township; thence northerly along the said line between the said lots 16 and 17 to the southerly limit of said first concession; thence westerly along the southerly limit of said first concession to the place of beginning.

## SCHEDULE B

P.F. C-4238

## THE ONTARIO MUNICIPAL BOARD

Thursday, the Twentieth day of December, A.D. 1951.

BEFORE

L. R. CUMMING, M.A.,  
Chairman,

—and—

R. C. ROWLAND,  
Member.IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, Chapter 243), andIN THE MATTER OF an application  
by the Corporation of the City  
of Kingston for an Order amend-  
ing an Order of the Board dated  
the 1st day of November, A.D.  
1951, providing for the annex-  
ation to the said City of the  
Village of Portsmouth and certain  
portions of the Township of  
Kingston, as set out in Schedule  
"A" annexed thereto.

UPON THE APPLICATION of the Corporation of the City of Kingston in the presence of counsel for the applicant, and upon hearing what was alleged by the said counsel and it appearing that certain errors in the description of the annexed areas have been disclosed and that it is necessary to amend the Order hereinbefore referred to so as to provide for certain other matters incidental to the said annexation.

1. THE BOARD ORDERS, under and pursuant to the powers contained in the legislation hereinbefore referred to, that the Order of The Ontario Municipal Board herein dated the 1st day of November, A.D. 1951 hereinbefore referred to (P.F. C-4238), be and the same is hereby amended,

- (a) by deleting therefrom the Schedule "A" and attached maps attached thereto and substituting therefor as Schedule "A" the Schedule and maps attached to this Order as Schedule "A".
- (b) by deleting in clause 4(b) the words "for ninety days after the 30th September, 1951", and inserting therein instead the words "to 31st January, 1952".
- (c) by adding the following words to clause 3(e) "The City of Kingston is authorized from time to time to pass by-laws, subject to the approval of this Board, providing for one or more additional places for the payment of the principal and interest of the said debentures".
- (d) by adding sub-clause (e) to clause 13 as follows, "that the hours for voting in the said elections shall be from 9.00 a.m. to 6.00 p.m.".
- (e) by adding thereto as sub-clause (d) of clause 14 the following, "(d) that notwithstanding the provisions of Section 273 (4) of the Municipal Act, the municipal council of the Corporation of the City of Kingston may during the year 1952 submit to the electors of the said City any by-law or by-laws of the class referred to in the said Section 273 (4) on any day during the said year other than a day in the month of July or August, provided that all other requirements of the law respecting submission of such by-laws are complied with".

(L.S.)

(Sgd.) L. R. CUMMING,  
Chairman.

DESCRIPTION OF LANDS TO BE ANNEXED TO THE  
CITY OF KINGSTON 1951

*Schedule "A"*

ALL AND SINGULAR those certain parcels or tracts of land and premises situate lying and being in the Village of Portsmouth, Township of Kingston, the marsh and the Great Cataraqui River; being composed of all the Village of Portsmouth, part of broken front lots twelve (12) and thirteen (13) and all of Lot seventeen (17) in front of Concession 1 in the Township of Kingston; part of lots twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty Concession 1 Township of Kingston; part of lots fourteen, fifteen, sixteen and seventeen Concession 2 Township of Kingston; all of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four Concession 2 Township of Kingston; part of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four Concession 3 Township of Kingston; all of lots six and seven and Part Lots five and nine West of the Great Cataraqui River Township of Kingston; all lots one, two, three, five, six, and seven, as shown on the registered plan No. 68 for the County of Frontenac. All the lots and registered plans shown on the above-mentioned Village of Portsmouth and the Township of Kingston lots, all the marsh and the Great Cataraqui River lying between the east limit of Registered Plan No. 68 and lots five, six, seven, (5, 6, 7,) and part of lot nine (9) west of the Great Cataraqui River; and the easterly water's edge of the Great Cataraqui River are included in the lands herein described.

COMMENCING at the water's edge of Lake Ontario in the direction of the line between lots twenty and twenty-one in the first and broken front Concession of the Township of Kingston, being the south-west angle of Broken Farm Lot 21 in front of Concession 1, in the City of Kingston;

Thence South 4 deg. 03 min. East two hundred feet (200');

Thence South 65 deg. 37 min. West along the Southerly limit of the Village of Portsmouth (as set out by By-law No. 91—23rd Dec. 1858 C.C.F.) a distance of 4144.8 feet.

Thence North 4 deg. 03 min. West along the West limit of the Village of Portsmouth two-hundred feet (200') to the water's edge of Lake Ontario;

Thence Westerly along the water's edge 1323 feet more or less to the limit between Lots Sixteen (16) and Seventeen (17);

Thence South 4 deg. 03 min. East along the Southerly production of the said last-mentioned limit to a point distant 3300 feet more or less from the Road Allowance between Concession One (1) and the Broken Front Concession;

Thence Westerly along the Southerly limit of the parcel annexed to the City of Kingston by R.S.O. 1931, Chapter 103, to the South-Easterly angle of the parcel annexed to the City of Kingston by 20, Geo. V., Chapter 84, 1930;

Thence along the Southerly limit of the above-mentioned parcel South 70 deg. 30 min. West one thousand feet (1000');

Thence North 19 deg. 30 min. West 4150 feet to the Southerly limit of Concession One (1);

Thence Easterly along the last-mentioned limit to the Westerly limit of the parcel annexed to the city by 20, Geo. V., Chapter 84, 1930;

Thence Northerly along the last-mentioned limit to the water's edge of Cataraqui Bay;



Thence Westerly along the water's edge and across the mouth of the Little Catarqui Creek to a concrete monument planted at the intersection of the Southerly limit of the Front Road with the High Water Mark of the Catarqui Bay.

Thence North 42 deg. 49 min. West one hundred and twenty-one and seven-tenths (121.7') feet to a concrete monument;

Thence North 76 deg. 35 min. West four hundred and eighty-seven feet (487') to a concrete monument;

Thence north 27 deg. 45 min. East seventy-six and ninety-seven one-hundredths feet (76.97') to a concrete monument, planted in the Southerly limit of the road allowance between Concession 1 and the broken front in front of Concession 1, distant therein easterly nineteen and seven-tenths feet (19.7') from the limit between lots twelve and thirteen.

Thence North 72 deg. 47 min. West one hundred and eleven and seventy-five one hundredths feet (111.75') to a concrete monument planted in the north limit of the above-mentioned road allowance;

Thence North 68 deg. 41 min. West three hundred and thirty-seven and two-tenths feet (337.2') to a concrete monument;

Thence North 66 deg. 58 min. East five hundred and twenty-one and fifteen one-hundredths feet (521.15') to a concrete monument;

Thence North 35 deg. 34 min. West four hundred and eighty feet and forty-six one-hundredths feet (480.46') to a concrete monument;

Thence North 79 deg. 34 min. East three hundred and ninety-four and eighty-five one-hundredths feet (394.85') to a concrete monument;

Thence North 3 deg. 16 min. West three hundred and twenty-eight and eighty-two one-hundredths feet (328.82') to a concrete monument;

Thence North 88 deg. 21 min. West four hundred and thirty-four and eighty-five one-hundredths feet (434.85') to a concrete monument.

Thence North 39 deg. 52 min. West four hundred and thirty-two and ninety-five one-hundredths feet (432.95') to a concrete monument.

Thence North 65 deg. 24 min. West two hundred and fifty feet (250') to an iron bar;

Thence North 43 deg. 41 min. West seven hundred and sixty-five and seven-tenths feet (765.7') to an iron bar;

Thence North 3 deg. 44 min. West four hundred and eighty-two and ninety-five one-hundredths feet (482.95') to an iron bar;

Thence South 83 deg. 52 min. East one thousand one hundred and thirty-six and thirty-seven one-hundredths feet (1,136.37') to an iron bar;

Thence North 49 deg. 20 min. east one thousand two hundred and ninety and sixty-five one-hundredths feet (1,290.65') to an iron bar;

Thence North 36 deg. 41 min. East five hundred and twenty-eight and twenty-five one-hundredths feet (528.25') to an iron bar;

Thence North 21 deg. 24 min. West four hundred and twenty-seven and three-tenths feet (427.3') to an iron bar;

Thence South 76 deg. 3 min. West one thousand and forty-four and four-tenths feet (1,044.4') to an iron bar;

Thence North 3 deg. 56 min. West four hundred and nineteen and sixty-five one-hundredths feet (419.65') to an iron bar;

Thence North 43 deg. 28 min. East one thousand six hundred and fifty-one and ninety-two one-hundredths feet (1,651.92') to an iron bar;

Thence South 69 deg. 18 min. East two hundred and twenty-six and sixty-five one-hundredths feet (226.65') to an iron bar;

Thence North 46 deg. 25 min. East four hundred and ninety-three and three-tenths feet (493.3') to an iron bar;

Thence North 13 deg. 49 min. West three hundred and eighty-eight and twenty-five one-hundredths feet (388.25') to an iron bar;

Thence North 27 deg. 9 min. East three hundred and fourteen and seventenths feet (314.7') to an iron bar;

Thence North 62 deg. 52 min. West two hundred and thirty-nine feet (239') to a concrete monument;

Thence North 7 deg. 49 min. West two hundred and ninety-seven and sixty-five one-hundredths feet (297.65') to a concrete monument planted fifty feet (50') northerly from the centre line of The King's Highway No. 33;

Thence North 31 deg. 50 min. East two hundred and eighty-seven and two-tenths feet (287.2') to a concrete monument;

Thence North 72 deg. 39 min. East four hundred and eighty-four and two-tenths feet (484.2') to a concrete monument;

Thence North 39 deg. 14 min. East four hundred and fifty-eight and seven-tenths feet (458.7') to a concrete monument;

Thence North 0 deg. 3 min. West six hundred and seventy-three and three-tenths feet (673.3') to a concrete monument;

Thence North 11 deg. 10 min. East eight hundred and eight and two-tenths feet (808.2') to a concrete monument;

Thence North 14 deg. 53 min. West two hundred and sixty-three and eight-tenths feet (263.8') to a concrete monument;

Thence North 29 deg. 37 min. East five hundred and eighty-four and nine-tenths feet (584.9') to a concrete monument;

Thence North 27 deg. 12 min. West across Dawson Creek and the marsh adjoining said Creek, a distance of one thousand five hundred and ninety and five-tenths feet (1,590.5') to a concrete monument;

Thence North 20 deg. 36 min. East one hundred and fifty and fifty-five one-hundredths feet (150.55') to a concrete monument;

Thence North 36 deg. 0 min. West four hundred and ninety-one and twenty-five one-hundredths feet (491.25') to a concrete monument;

Thence North 13 deg. 56 min. East two hundred and ninety-seven and eighty-five one-hundredths feet (297.85') to a concrete monument;

Thence North 17 deg. 23 min. West two hundred and seventy-five and twenty-five one-hundredths feet (275.25') to a concrete monument planted in a fence line, marking the southerly limit of the Canadian National Railway right-of-way, (Toronto—Montreal main line);

Thence North 51 deg. 46 min. East in the last-mentioned limit, one thousand one hundred and sixty-five feet (1,165') to a concrete monument planted fifty feet (50') southerly from the centre line of The King's Highway No. 2;

Thence North 52 deg. 6 min. and 46 sec. East, on a line parallel to and distant southerly at right angles thirty feet (30') from the southerly rail of the southerly track of the Canadian National Railway main line;

a distance of two thousand one hundred and sixty-six and one-tenth feet (2,166.1') to a concrete monument planted in the northerly limit of the road allowance between Concessions 2 and 3, and distant therein on a course South 88 deg. 15 min. West one thousand and eighty-two and seven-tenths feet (1,082.7') from the south-west angle of lot 19 Concession 3;

Thence North 51 deg. 58 min. 32 sec. East, parallel and distant southerly thirty feet (30') from the south rail of the south tracks of the Canadian National Railway, a distance of one thousand three hundred and sixty-one and nine-tenths feet (1,361.9') to a concrete monument planted in the limit between lots 18 and 19, distant therein northerly eight hundred and four and six-tenths feet (804.6') from the south-west angle of lot 19 Concession 3;

Thence North 0 deg. 39 min. West, in the limit between lots 18 and 19, three thousand seven hundred and sixty-one and four-tenths feet (3,761.4');

Thence North 88 deg. 0 min. 4 sec. East seven thousand seven hundred and fifty-five and one-tenth feet (7,755.1') to a concrete monument, planted forty-three (43') westerly from the centre line of Division Street;

Thence North 84 deg. 15 min. 7 sec. East across Division Street, eighty-six feet (86') to a concrete monument;

Thence North 84 deg. 15 min. 7 sec. East, along the limit between lots 3 and 4 as shown on Registered Plan No. 68, a distance of two thousand eight hundred and nineteen and five-tenths feet (2,819.5') to a concrete monument;

Thence North 5 deg. 39 min. 13 sec. West, along the line between lots 4 and 6, Registered Plan No. 68, a distance of one thousand one hundred and twenty-four and thirty-five one-hundredths feet (1,124.35') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the line between the northerly limit of lot 6 Registered Plan No. 68, and the southerly limit of Township lot 9 west of the Great Cataraqui River; a distance of three thousand eight hundred and thirty-five and two-tenths feet (3,835.2') to a concrete monument planted forty-three feet (43') westerly at right angles from the centre line of the Montreal Road;

Thence North 84 deg. 9 min. East, across the Montreal Road, one hundred and five and fifty-seven one-hundredths feet (105.57') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the limit between lot 7 Plan No. 68 and Township lot 9 west of the Great Cataraqui River, and its production easterly, nine hundred and seventy feet (970') to a concrete monument planted in the right-of-way of the Canadian National Railway;

Thence North 74 deg. 49 min. 26 sec. East (astronomic) six thousand five hundred feet (6,500') more or less, to the easterly water's edge of the Great Cataraqui River;

Thence Southerly and Westerly along the Easterly water's edge of the Great Cataraqui River, to the point of intersection with the Easterly production of the limit between Township lots 4 and 5 West of the Great Cataraqui River;

Thence Westerly along the said production and the limit between the said lots 4 and 5 itself, and its production Westerly, to the Westerly limit of Division Street;

Thence Southerly along the Westerly limit of Division Street to the South-east angle of lot 24 Concession 2;

Thence Westerly in a direct line crossing Concession Street to the North-west angle of lot 21 Concession 1;



Thence southerly along the limits between lots 20 and 21 to the South limit of 'The Kings' Highway No. 33;

Thence Westerly along the said last-mentioned limit to the Westerly limit of Palace Road;

Thence Southerly along the last-mentioned limit to the Southerly limit of Johnson Street;

Thence Easterly along the last-mentioned limit to the line between lots 20 and 21;

Thence Southerly along the said last-mentioned limit to the point of commencement of the herein described parcel;

SAVE AND EXCEPT from the above-described lands, the lands annexed to the City of Kingston (1) by 20, Geo. V. Chap. 84, 1930; (2) by R.S.O., 1931, Chap. 103 and (3) by Municipal Board Order as set out in Instruments Numbers 27146A and 29249 and filed in the Registry Office for the Registry Division of Kingston and Frontenac.

The above-described lands to be annexed are outlined in red on the accompanying plans.

And all the water lots lying south of the Village of Portsmouth, the City of Kingston and the Township of Kingston to which patents have been issued by the Crown; and all the waters and land under the waters of Lake Ontario and the Harbour lying south of the land lying between the said south-west angle of the Broken Front Lot 21 in Front of Concession 1 Township of Kingston formerly and now in the City of Kingston and the concrete monument standing at the intersection of the southerly limit of the Front Road with the High Water Mark of the Cataraqui Bay. The westerly limit of said waters, and the land under the waters is a line through the above described concrete monument on limit of the Front Road, and is a line parallel to the limit between lots 12 and 13 Concession 1 Township of Kingston. And the said waters and land under waters extend southerly to within 500 yards of the shores of the Township of Wolfe Island.

#### PLANS

(Illustrating the above descriptions)

BILL

An Act respecting the City of Kingston

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. NICKLE

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(PRIVATE BILL)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act respecting the City of Kingston**

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MR. NICKLE

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Kingston

**W**HEREAS The Corporation of the City of Kingston Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Order P.F. C-4238 dated the 1st day of November, Annexation  
orders  
confirmed  
1951, and Order P.F. C-4238 dated the 20th day of December,  
1951, of the Ontario Municipal Board, set forth as Schedules  
A and B hereto respectively, are hereby confirmed.

2. In addition to the powers contained in subsections 2 Sewer rental  
and 5 of section 389 of *The Municipal Act*, the council of The Rev. Stat.,  
c. 243  
Corporation of the City of Kingston may by by-law provide  
for imposing upon the owners or occupants of land a surcharge  
on water rates, to be known as a "sewer rental", for payment  
of any part of the capital cost of any treatment works or work  
as defined in clauses *i* and *j* of subsection 1 of section 389  
of *The Municipal Act* which may be constructed from time to  
time, and if any of the revenue therefrom is not required for  
this purpose may provide for applying and using such revenue  
for future capital expenditures on such treatment works or  
work.

3. Subject to the approval of the Ontario Municipal Board, Removal  
of con-  
demned  
buildings,  
etc.  
the council of The Corporation of the City of Kingston may  
pass by-laws ordering the removal of any building which upon  
the recommendation of the medical officer of health of The  
Corporation of the City of Kingston has been condemned  
pursuant to section 97 of *The Public Health Act*, as unfit for  
human habitation or dangerous to health, unless alterations  
to make such a building fit for human habitation and safe for  
health can be made in the opinion of the medical officer of  
health, the building inspector and the fire inspector of The  
Corporation of the City of Kingston and have been so made  
within six months of notice of such condemnation.

Sewer  
connections

4. The council of The Corporation of the City of Kingston may pass by-laws requiring any owner of a house on land which abuts on a street where there is a sewer to have all plumbing and drainage fixtures, except storm drains, of such houses connected with such sewer within two years after the sewer is constructed.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Kingston Act, 1952.*



## SCHEDULE A

P.F. C-4238

## THE ONTARIO MUNICIPAL BOARD

Thursday, the First day of November, A.D. 1951.

BEFORE

R. C. ROWLAND,  
Vice-Chairman

—and—

C. D. WIGHT,  
Member.IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, C.243) andIN THE MATTER OF an application  
by the Corporation of the City of  
Kingston for annexation thereto  
of (a) the Village of Portsmouth  
(b) Portions of the Township of  
Kingston, (c) Butterill Farm, as  
set out in Schedule "A" annexed  
hereto.

UPON THE APPLICATION of The Corporation of the City of Kingston in the presence of Counsel for The Corporation of the Village of Portsmouth, The Corporation of the County of Frontenac, The Corporation of the Township of Kingston, The Board of School Trustees of School Area No. 2 of the Township of Kingston, the Aluminum Company of Canada Limited, and the Point Pleasant Property Owners Association and of certain property owners and residents in the Township of Kingston who appeared in person, upon hearing read by-laws Nos. 826, 827 and 828 of the City of Kingston filed with this Board authorizing this application, and upon hearing the evidence adduced at a public hearing held at the City of Kingston on the 12th, 13th and 14th days of December, A.D. 1950, and the 8th, 9th and 10th days of January, A.D. 1951, pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by the Counsel aforesaid and by the aforesaid owners and residents, and this Board having been pleased to direct that this application stand over for order and the same coming on this day for order.

1. THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act*, R.S.O. 1950, C. 243, that the whole of the Village of Portsmouth and that part of the Township of Kingston described in Schedule "A" hereto be and the same are hereby annexed to the City of Kingston, the present boundaries of which are more particularly described in Schedule "B" hereto; provided, however, that the Township of Kingston may, from time to time, in respect of access for surface drainage purposes to the western boundary of the Little Cataraqui River, exercise such rights for surface drainage and for expropriation, if necessary, to effectually carry out or exercise same, as are authorized by *The Public Health Act*, R.S.O. 1950, Chapter 306, and *The Municipal Act*, R.S.O. 1950, Chapter 243.

2. AND THE BOARD FURTHER ORDERS that subject to Section 20, s.s. 15 and 16 of *The Municipal Act*, R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect 12:00 o'clock midnight on the 31st day of December, 1951, and that until such time the Township of Kingston and the Village of Portsmouth shall be responsible for municipal services in their respective areas.

3. AND THE BOARD FURTHER ORDERS:

(a) That all lands in the districts described in Schedule "A" belonging to The Corporation of the Township of Kingston and the Village of Portsmouth as of the date of this Order or subsequently acquired up to 1 January, 1952, and any property sold for taxes by the County of Frontenac to



the Township of Kingston within the district of the Township of Kingston described in Schedule "A" tax deeds for which have not been delivered to the Township, shall belong to and be vested in The Corporation of the City of Kingston, and in the case of the tax deeds, the County of Frontenac shall deliver such tax deeds to the City of Kingston.

(b) That the interest of the districts of the Township of Kingston described in Schedule "A" in the following assets of the Township shall be determined as that proportion of the total of such assets of the Township as the assessment of said districts made in 1950, rateable for general purposes in 1951, bears to the total assessment of the Township made in 1950 rateable for general purposes in 1951:

Cash and bank balances less the amount of debentures due but unpaid and debenture coupons due but unpaid at December 31, 1951, as provided in Clause 3(g);

Accounts receivable;

Amounts due from the Province of Ontario;

Amounts due from the Government of Canada;

Taxes receivable;

Equipment;

Supplies.

(c) That the following liabilities shall be apportioned to the districts of the Township of Kingston described in Schedule "A" in the proportion of the assessment of said districts made in 1950, rateable for general purposes in 1951, to the total assessment of the Township made in 1950 rateable for general purposes in 1951:

Trade accounts payable for general purposes;

Amounts due to other municipalities.

(d) That the excess of the interest of the said districts of the Township of Kingston as described in Schedule "A" in assets as determined in (b) above over the proportion of the liabilities of said districts as determined in (c) above shall be paid by the Corporation of the Township of Kingston to the Corporation of the City of Kingston on or before the 31st day of December, 1952.

(e) That all debenture debt incurred in respect of schools built in and in respect of local improvements made in the districts of the Township of Kingston described in Schedule "A" shall after December 31st, 1951, be paid by the City of Kingston as the principal and interest of the debentures become due, and the Corporation of the City of Kingston shall indemnify the Corporation of the Township of Kingston against the same.

(f) That the respective budgets of the Township of Kingston and the Village of Portsmouth for the year 1951, exclusive of expenditures for school purposes, shall be submitted for approval to the Board on or before the fifteenth day of July, 1951, and any excess of expenditure made during the year 1951 over the amount approved by the Board in the said budgets shall:

(i) As to the Township of Kingston be borne by the remainder of the Township which is not annexed to the City of Kingston; and

(ii) As to the Village of Portsmouth shall be borne by the ratepayers of the area presently comprising the Village of Portsmouth by a special tax levy on them by the City of Kingston for the year 1952.

(g) That the Corporation of the Township of Kingston shall be liable and responsible for payment of its debentures due but unpaid and debenture coupons due but unpaid as of December 31st, 1951, and such debts shall be paid out of the funds of the Township of Kingston, as provided for in Clause 3(b) above.

(h) All of the property and assets and rights of The Corporation of the Village of Portsmouth shall be vested in The Corporation of the City of Kingston as of midnight, the 31st day of December, 1951, and thereafter The Corporation of the City of Kingston shall be liable to the creditors of the former Corporation of the Village of Portsmouth for its debts and obligations, and The Corporation of the City of Kingston shall have the same rights and powers with respect to the collection and recovery of all unpaid taxes imposed by the Council of the former municipality of the Village of Portsmouth, including those for the year 1951 and prior years, as if such taxes had been imposed by the Council of the City of Kingston to which the Village of Portsmouth on the said date becomes annexed; and The Corporation of the City of Kingston shall have the right to collect any further claims against third parties in the said manner and with all the powers which The Corporation of the Village of Portsmouth had or would have had if this Order for Annexation had not been made; and after 31 December, 1951, The Corporation of the Village of Portsmouth shall cease to exist.

(i) That the assets and liabilities of the Water Area of the Township of Kingston, established by By-law No. 511, shall not be taken into account in the division of the assets and liabilities, but shall be transferred to the Corporation of the City of Kingston and the City of Kingston shall have the right to levy for any deficit for the Water Area against the owners of property in the Water Area.

#### 4. AND THE BOARD FURTHER ORDERS:

(a) That the taxes, including business taxes, assessments, rents, school and other rates in respect of the said districts described in Schedule "A" to be levied by the City of Kingston shall, after the 31st day of December, 1951, be payable at the same time and in the same manner as taxes, including business taxes, assessments, rents, school and other rates levied and raised from time to time on the lands within the former boundaries of the City of Kingston as they existed on 1st January, 1950, and the assessment of lands of the said districts described in Schedule "A" made after 31st December, 1951, shall be on the same basis and made at the same time and in the same manner as lands within the former boundaries of the City of Kingston.

(b) Notwithstanding any provisions to the contrary in *The Assessment Act* and that the effective date of the annexation of the said districts is December 31, 1951, it shall be the duty of the assessor of the City of Kingston, and he shall have all of the powers of an assessor under *The Assessment Act*, to assess the land in the said districts in the year 1951 for tax purposes for the 1952, and such assessment shall be conducted in the same manner as the assessment made within the boundaries of the City of Kingston; and the time for the return of the Assessment roll in the said districts is hereby extended for ninety days after the 30th September, 1951; and all such assessments so made shall be subject to the same right of appeal as applies to assessments made within the boundaries of the City of Kingston, and appeals from such assessments so made shall be made to the Court of Revision of the City of Kingston, and such Court shall have authority to deal with them and the assessment rolls so made and confirmed shall constitute a part of the last revised assessment roll of the City of Kingston for all purposes, and such assessment when so made and finally revised, together with the assessment made within the boundaries of the City of Kingston, shall form the basis of the levy for taxes by the City of Kingston for the year 1952, and such taxes when so levied shall be payable to the City of Kingston; and that the Assessor of the Township of Kingston shall be relieved from making any assessment for the year 1951 of any property in the district described in Schedule "A" or making any assessment roll or rolls with respect thereto.

(c) That the Township of Kingston and the Village of Portsmouth shall each prepare and deliver on or before May 15, 1951, to the City of Kingston a copy of the assessment rolls made in 1950 for 1951 taxes in respect of the lands in the said districts; and the Township of Kingston and Village of Portsmouth shall at all reasonable times allow the City of Kingston, its servants and agents, access to the assessment rolls of the said districts and to all local improvement by-laws and local improvement assessment rolls and all plans, surveys, maps and books and records of the said districts. After the 31st day of December, 1951, The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth will hand over to The Corporation of the City of Kingston all local improvement by-laws, local improvement assessment rolls, and all by-laws authorizing the issue of debentures, and all plans, surveys and maps in respect of the said districts; Provided, however, that the Township of Kingston shall be required to hand over originals only of the plans, surveys and maps of those areas which do not effect any other part of the Township than the parts described in Schedule "A" hereto, but in the case of those plans, surveys and maps which do effect other parts of the Township than those described in Schedule "A", hereto, the Township shall make and give to The Corporation of the City of Kingston, but at the latter's expense, true copies of same.

(d) Notwithstanding that the effective date of annexation is the 31st day of December, 1951, The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth shall during the year 1951, if requested to do so by The Corporation of the City of Kingston, enter into the agreements contemplated by and of the type referred to in Section 61 of *The Local Improvement Act*.

#### 5. AND THE BOARD FURTHER ORDERS:

(a) That all taxes imposed by The Corporation of the Township of Kingston in the districts described in Schedule "A" to December 31st, 1951, and all arrears of taxes owing upon lands in the said districts shall belong to and be collected by The Corporation of the Township of Kingston; and to effectively carry this out, The Corporation of the Township of Kingston shall retain all statutory powers for the collection and recovery of arrears of taxes without affecting the right of The Corporation of the City of Kingston to enforce all statutory powers in respect of taxes subsequently levied by it. The provisions of Section 38(2) of *The Municipal Act* shall apply to all arrears of taxes notwithstanding the date upon which such taxes became in arrears.

6. AND THE BOARD FURTHER ORDERS that the lands in the districts described in Schedule "A" which fall within the description of Section 35 of *The Assessment Act* as amended in the year 1951 held and used for the purposes therein described shall be dealt with by The Corporation of the City of Kingston as therein provided.

#### 7. AND THE BOARD FURTHER ORDERS:

(a) That the public schools and school sites in the districts described in Schedule "A" shall vest in the Board of Education for the City of Kingston, and all separate schools and school sites in the districts described in Schedule "A" shall vest in The Board of Trustees of the Roman Catholic Separate Schools for the City of Kingston, and the whole of the assets and liabilities of the Boards of Education in the Village of Portsmouth and School Area No. 1 of the Township of Kingston shall vest in the respective Boards of the City of Kingston, by whom the liabilities if any in respect thereof shall be assumed and paid; and no capital expenditures shall be made by the said Public School Boards in the said School Area No. 1 or in the Village of Portsmouth during the year 1951 without first obtaining the approval of the Board of Education for the City of Kingston and of The Corporation of the City of Kingston and the Ontario Municipal Board. The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth shall in 1951 levy sufficient taxes to pay the expenses of the said Public School Boards within the Township of Kingston and the Village of Portsmouth and in the event that they do not so and that there is a deficit in any of the operations of the said Boards, The Corporation of the City of Kingston may in 1952 make



a special levy on the taxpayers of the said district or districts described in Schedule "A" (or of the Village of Portsmouth, as the case may be) to recover the amount of the said deficit or deficits; and that the Boards of Education of the Village of Portsmouth and School Area No. 1 of the Township of Kingston and the Trustees of the Roman Catholic Separate Schools for the Village of Portsmouth shall, after 31 December, 1951, cease to exist.

(b) For a period of two years commencing on the 1st January, 1952, all children residing in that portion of School Area No. 1 of the Township of Kingston which is not annexed to the City of Kingston shall be entitled to attend the schools in that portion of School Area No. 1 of the Township of Kingston which is annexed to the City of Kingston, and for a further period of three years thereafter shall be entitled to attend such schools to the extent of the available facilities thereof as such facilities now exist or have been authorized; PROVIDED, however, that at any time and from time to time the Corporation of the City of Kingston, the Board of Education of the City of Kingston, the Corporation of the Township of Kingston, the Public School Board of the Township of Kingston or any of them may apply to the Board for a variation of this clause of this order in so far as it relates to the right to attend such schools in the said three year period commencing January 1st, 1954, and such right shall not be terminated prior to January 1st, 1957, without the prior approval of the Board. The Corporation of the Township of Kingston shall pay to the appropriate Boards of the City of Kingston, at the authorized non-resident rate, for the attendance of all such pupils attending such schools.

8. AND THE BOARD FURTHER ORDERS that The Corporation of the City of Kingston shall make local improvement assessments and levies under and by virtue of the local improvement by-laws of The Corporation of the Township of Kingston and of The Corporation of the Village of Portsmouth which are in force as of 31 December, 1951, in any of the said districts, with all the powers and rights as if The Corporation of the City of Kingston had originally enacted the said by-laws under *The Local Improvement Act*.

9. AND THE BOARD DOTH FURTHER ORDER that the County of Frontenac shall indemnify The Corporation of the City of Kingston with respect to any amount of the High School debenture debt of the County of Frontenac claimed against any ratepayer resident in the districts described in Schedule "A" hereto, and all of such ratepayers shall be relieved of paying the annual rates for the said High School debenture debt.

10. AND THE BOARD DOTH FURTHER ORDER that the administration of justice costs, and the costs of the upkeep and maintenance of the Court House, Registry Office and Jail be re-apportioned as between The Corporation of the County of Frontenac and The Corporation of the City of Kingston in a manner to be agreed upon and, failing agreement by the 30th June, 1952, that the matter be referred to the County Court Judge for arbitration under and by virtue of the provisions of *The Municipal Act*.

11. AND THE BOARD FURTHER ORDERS that The Corporation of the Township of Kingston shall indemnify and save harmless The Corporation of the City of Kingston, to the extent of twenty-five per cent thereof, from all losses, costs, charges and expenses arising from any act or omission of The Corporation of the Township of Kingston, its officials or servants, up to December 31, 1951.

12. AND THE BOARD FURTHER ORDERS that The Corporation of the Village of Portsmouth and The Corporation of the Township of Kingston convey to The Corporation of the City of Kingston any other lands or any other rights in the said districts described in Schedule "A" not hereinbefore particularly described, provided that each shall do all other acts and things necessary to effectively carry out the intent of this Order.

13. AND THE BOARD FURTHER ORDERS:

(a) That the districts described in Schedule "A" shall be included in the existing wards of the City of Kingston, which is hereby authorized

subject to the approval of the Ontario Municipal Board to be obtained prior to 1 September, 1952, to lay out new boundaries for the various wards which shall be the ward boundaries for the municipal elections to be held in the City of Kingston in December, 1952.

(b) That the electors in the districts described in Schedule "A" shall not vote in the municipal elections and the elections for trustees of the School Board in the Township of Kingston in December, 1951, save as provided in the following paragraphs (c) and (d).

(c) That the electors in the Village of Portsmouth shall vote in the municipal elections to be held by the Village of Portsmouth, and elect one alderman who shall represent the district now comprising the Village of Portsmouth in the City Council until December 31, 1952, and that the electors in the district of the Township of Kingston described in Schedule "A" shall vote at the municipal elections to be held by the Township of Kingston, and shall elect two aldermen who shall sit in the Council of the City of Kingston representing their district until December 31, 1952, and the Council of the Corporation of the City of Kingston for the year 1952 only shall be enlarged accordingly; and that special voters' lists be prepared by The Corporation of the City of Kingston for the said elections, but the election shall be carried on by the City Clerk of the City of Kingston, provided however, that the qualifications of voters in the Village of Portsmouth shall be the same as those of voters for the Corporation of the City of Kingston, and that the Voters' List for the district of the Township of Kingston described in Schedule "A", be prepared from the last certified Voters' List of the Township of Kingston, in accordance with Section 102 of *The Municipal Act*.

(d) That the electors in the Village of Portsmouth entitled respectively to vote for public and separate school Trustees shall vote in the election for members of the said Boards of such Trustees to be held by the Village of Portsmouth and shall elect one Public and one Separate School Trustee who shall represent the district now comprising the Village of Portsmouth on the Board of Education of the City of Kingston and the Separate School Board of the City of Kingston until December 31, 1952; and that the electors in the district of the Township of Kingston described in Schedule "A" entitled respectively to vote for Public and Separate School Trustees shall vote at the election of such Trustees to be held in the Township of Kingston and shall elect one Public and one Separate School Trustee who shall represent the said district on the Board of Education of the City of Kingston and the Board of Trustees of the Roman Catholic Separate Schools of the City of Kingston until December 31, 1952; and that the Board of Trustees of the Roman Catholic Separate Schools for the City of Kingston and the Board of Education for the City of Kingston shall be enlarged accordingly for the year 1952 only, and that The Corporation of the City of Kingston shall prepare a special voters' list for the Village of Portsmouth and the said district of the Township of Kingston for the said elections, and the election shall be carried on at the same time as the election for aldermen, and shall be carried out in the manner provided under *The Boards of Education Act* and *The Separate Schools Act*, as the case may be, for Public and Separate School Trustees.

#### 14. AND THE BOARD FURTHER ORDERS:

(a) That By-law No. 511-1947, as amended, and all building, planning and zoning by-laws of the Township of Kingston and all building, planning and zoning by-laws of the Village of Portsmouth in force as of 31st December, 1951, in the said districts described in Schedule "A" shall remain in effect until altered, varied, changed or rescinded by the by-laws of The Corporation of the City of Kingston.

(b) That all by-laws of The Corporation of the City of Kingston in force as of December 31, 1951, shall from and after December 31, 1951, *mutatis mutandis*, apply and be in force in the districts described in Schedule "A".

(c) That notwithstanding subsections (a) and (b) of this section, neither the by-laws therein referred to nor any future by-laws of the City of Kingston shall prevent, interfere with, hinder or affect the operation by the Aluminum Company of Canada Limited, its successors or assigns, of any manufacturing processes of the type or character now carried



on in the said Township by the said Company or of a type or character similar, incidental or related thereto, upon any of the lands presently owned by it in the said district, consisting of approximately 310 acres, or upon any additional land in the said district, not exceeding in area 250 acres, contiguous or adjacent to the said 310 acres, which may be hereafter acquired by the said Company, its successors or assigns.

#### 15. AND THE BOARD FURTHER ORDERS:

(a) The provisions of Section 66 (1) of *The Municipal Act* shall govern the time and place for nomination meetings and the days fixed for polling for the purposes of the elections referred to in paragraph 13 of this Order and, except as hereinbefore provided, the provisions of Section 102 of the said Act shall apply to the preparation and delivery of the voters' list for the said elections.

(b) The Corporation of the City of Kingston may, for the purpose of the said elections exercise the powers conferred upon a local municipality by Section 81 of *The Municipal Act* in respect of the Village of Portsmouth and that part of the Township of Kingston described in Schedule "A" hereto, and shall pass a by-law for such purpose on or after the 29th day of November 1951, and before the 15th day of December 1951.

(c) The City Clerk of the City of Kingston shall be the returning officer for the purpose of the said elections and, in addition to all other powers and duties imposed upon him in that capacity, he shall on or before the 15th day of December 1951, appoint in writing returning officers to hold the nominations, if required, and the deputy returning officers, poll clerks and election assistants required or deemed necessary for the conduct of the said elections.

#### 16. AND THE BOARD FURTHER ORDERS:

(a) That no capital expenditures shall be made by The Corporation of the Township of Kingston or The Corporation of the Village of Portsmouth in respect to the said districts during the year 1951 unless the approval of The Corporation of the City of Kingston and the Board is first had and obtained, and if such approval is procured no contracts shall be let for any works involved in such capital expenditures until the approval of The Corporation of the City of Kingston thereto is first procured.

(b) That in the event that such capital expenditures are approved and contracts in respect thereof are let and such work is undertaken and is wholly or partially completed by the effective date of the annexation provided for in this Order, The Corporation of the City of Kingston shall be entitled to issue debentures in respect thereof in the same manner and to the same extent as if said works had been initially undertaken by The Corporation of the City of Kingston and as if the capital expenditures therein involved had been originally undertaken by The Corporation of the City of Kingston and the work involved in such capital expenditures had been undertaken by the Corporation of the City of Kingston.

17. AND THE BOARD FURTHER ORDERS that The Corporation of the City of Kingston shall, subject to the approval of the Board, be authorized to issue its debentures in order to pay for any liability or financial obligations which it assumes or for which it may become responsible as a result of this Order.

18. AND THE BOARD FURTHER ORDERS that any matter of financial liability not expressly dealt with in this Order shall not, by reason of such omission be deemed to have been waived by The Corporation of the City of Kingston or the Corporation of the County of Frontenac or the Corporation of the Township of Kingston or the Board of Education for the City of Kingston or the Board of Public School Trustees of Kingston Township Area No. 1, or the Board of Public School Trustees of the Village of Portsmouth or the Board of Separate School Trustees of the Village of Portsmouth, and this Order shall be deemed to cover matters hereinbefore specifically dealt with by this Order, and all other financial matters arising out of the annexation shall be adjusted from time to time

on a fair and equitable basis by and between the parties affected by this Order and, failing agreement, shall be determined by The Ontario Municipal Board.

19. AND THE BOARD hereby reserves all further order or directions within its power in respect of the annexation hereby ordered for further order or orders upon the application of any of the municipalities or local boards or any party affected by this Order.

(L.S.)

(Sgd.) L. R. CUMMING.

## DESCRIPTION OF LANDS TO BE ANNEXED TO THE CITY OF KINGSTON 1951

### *Schedule "A"*

NOTE: Schedule "A" to this Order contains a description of the lands to be annexed. This Schedule was repealed and a new Schedule substituted by Order P.F. C-4238 dated December 20th, 1951, which appears as Schedule B to this Act. Schedule "A" to this Order has therefore been omitted and the description of the lands to be annexed appears in Schedule B to this Act.

## DESCRIPTION OF THE LIMITS OF THE PRESENT CITY OF KINGSTON

### *Schedule "B"*

ALL AND SINGULAR that certain parcel or tract of land and water being the present City of Kingston, County of Frontenac and Province of Ontario; which said parcel or tract may be described in parts as follows:

PART ONE: COMMENCING at the point where the water's edge of Lake Ontario is intersected by the lot limit between Farm Lots 20 and 21 in the First Concession of the Township of Kingston formerly and now City of Kingston;

Thence northerly along said lot limit to the point where it intersects the southerly limit of Johnson Street;

Thence westerly along said southerly limit of street to the point where it intersects the westerly limit of the Palace Road;

Thence northerly along said westerly limit of road to the point of intersection of said limit with the southerly limit of Highway Number 33;

Thence easterly along said southerly limit of Highway to the point where this limit intersects the said lot limit between lots 20 and 21;

Thence northerly along this lot limit to the northwest corner of Lot 21;

Thence easterly in a direct line crossing Concession Street to the southeast angle of Lot 24 Concession Two Township of Kingston;

Thence northerly along the westerly limit of Division Street to the point where this limit is intersected by the westerly production of the limit between Lots 4 and 5 in the Concession West of the Great Cataraqui River;

Thence easterly to, along and on production easterly of said limit between lots 4 and 5 to the easterly water's edge of the Great Cataraqui River;

Thence southerly along said River's easterly edge to the extreme southwesterly point of Point Frederick in the Township of Pittsburg;



Thence southerly and parallel to the said lot limit between lots 20 and 21 a distance of 500 feet from the said southwest point of Point Frederick;

Thence westerly in a straight line to the point of Commencement.

And also as part of the Harbour of the City of Kingston, all the water lying southerly of the above described straight line from the described point 500 feet southerly of Point Frederick to the point of commencement, which may be 500 yards from the main shore of Wolfe Island.

The limits of the above described part one from the point of commencement to the easterly water's edge of the Great Cataraqui River are shown outlined in red on the plans accompanying schedule A made and signed by Campbell T. Smith O.L.S. dated Sept. 25, 1951. And the properties in Lot 5 West of the Great Cataraqui River owned by the Gould Storage Battery Limited and the Frontenac Floor and Wall Tile Co. Limited.

PART TWO: Being the land annexed to the City of Kingston by 20 George V Chap. 84 1930, and said land is particularly shown on Registered plan numbered 172 of registered date June 7th 1930 in the Registry Office of Kingston and Frontenac.

PARCEL THREE: Being the land annexed to the City of Kingston by Chapter 103 of the statutes of Ontario 1931 as given in Schedule B and more particularly described as follows:

ALL AND SINGULAR that parcel of land and land covered with water now situate in the Township of Kingston, in the County of Frontenac as follows:

COMMENCING at a point where the line of the easterly face of the dock of the Kingston Elevator Company produced intersects the southerly limit of Concession 1 of said Township, the said easterly face of dock being the easterly limit of the land annexed to the City of Kingston by *City of Kingston Act 1930*, thence south 19 degrees 30 minutes east along the line of the face of the said dock to a point where the said line produced southerly would intersect the extension of the westerly production of the harbour line of the said City; thence easterly along the said westerly production of the said harbour line to a point where the said harbour line intersects the production southerly of the line between lots numbers 16 and 17 in the First Concession of the said Township; thence northerly along the said line between the said lots 16 and 17 to the southerly limit of said first concession; thence westerly along the southerly limit of said first concession to the place of beginning.

## SCHEDULE B

P.F. C-4238

## THE ONTARIO MUNICIPAL BOARD

Thursday, the Twentieth day of December, A.D. 1951.

BEFORE

L. R. CUMMING, M.A.,  
Chairman,

—and—

R. C. ROWLAND,  
Member.IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, Chapter 243), andIN THE MATTER OF an application  
by the Corporation of the City  
of Kingston for an Order amend-  
ing an Order of the Board dated  
the 1st day of November, A.D.  
1951, providing for the annex-  
ation to the said City of the  
Village of Portsmouth and certain  
portions of the Township of  
Kingston, as set out in Schedule  
"A" annexed thereto.

UPON THE APPLICATION of the Corporation of the City of Kingston in the presence of counsel for the applicant, and upon hearing what was alleged by the said counsel and it appearing that certain errors in the description of the annexed areas have been disclosed and that it is necessary to amend the Order hereinbefore referred to so as to provide for certain other matters incidental to the said annexation.

1. THE BOARD ORDERS, under and pursuant to the powers contained in the legislation hereinbefore referred to, that the Order of The Ontario Municipal Board herein dated the 1st day of November, A.D. 1951 hereinbefore referred to (P.F. C-4238), be and the same is hereby amended,

- (a) by deleting therefrom the Schedule "A" and attached maps attached thereto and substituting therefor as Schedule "A" the Schedule and maps attached to this Order as Schedule "A".
- (b) by deleting, in clause 4(b) the words "for ninety days after the 30th September, 1951", and inserting therein instead the words "to 31st January, 1952".
- (c) by adding the following words to clause 3(e) "The City of Kingston is authorized from time to time to pass by-laws, subject to the approval of this Board, providing for one or more additional places for the payment of the principal and interest of the said debentures".
- (d) by adding sub-clause (e) to clause 13 as follows, "that the hours for voting in the said elections shall be from 9.00 a.m. to 6.00 p.m.".
- (e) by adding thereto as sub-clause (d) of clause 14 the following, "(d) that notwithstanding the provisions of Section 273 (4) of the Municipal Act, the municipal council of the Corporation of the City of Kingston may during the year 1952 submit to the electors of the said City any by-law or by-laws of the class referred to in the said Section 273 (4) on any day during the said year other than a day in the month of July or August, provided that all other requirements of the law respecting submission of such by-laws are complied with".

(L.S.)

(Sgd.) L. R. CUMMING,  
Chairman.

DESCRIPTION OF LANDS TO BE ANNEXED TO THE  
CITY OF KINGSTON 1951

*Schedule "A"*

ALL AND SINGULAR those certain parcels or tracts of land and premises situate lying and being in the Village of Portsmouth, Township of Kingston, the marsh and the Great Cataraqui River; being composed of all the Village of Portsmouth, part of broken front lots twelve (12) and thirteen (13) and all of Lot seventeen (17) in front of Concession 1 in the Township of Kingston; part of lots twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty Concession 1 Township of Kingston; part of lots fourteen, fifteen, sixteen and seventeen Concession 2 Township of Kingston; all of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four Concession 2 Township of Kingston; part of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four Concession 3 Township of Kingston; all of lots six and seven and Part Lots five and nine West of the Great Cataraqui River Township of Kingston; all lots one, two, three, five, six, and seven, as shown on the registered plan No. 68 for the County of Frontenac. All the lots and registered plans shown on the above-mentioned Village of Portsmouth and the Township of Kingston lots, all the marsh and the Great Cataraqui River lying between the east limit of Registered Plan No. 68 and lots five, six, seven, (5, 6, 7,) and part of lot nine (9) west of the Great Cataraqui River; and the easterly water's edge of the Great Cataraqui River are included in the lands herein described.

COMMENCING at the water's edge of Lake Ontario in the direction of the line between lots twenty and twenty-one in the first and broken front Concession of the Township of Kingston, being the south-west angle of Broken Farm Lot 21 in front of Concession 1, in the City of Kingston;

Thence South 4 deg. 03 min. East two hundred feet (200');

Thence South 65 deg. 37 min. West along the Southerly limit of the Village of Portsmouth (as set out by By-law No. 91—23rd Dec. 1858 C.C.F.) a distance of 4144.8 feet.

Thence North 4 deg. 03 min. West along the West limit of the Village of Portsmouth two-hundred feet (200') to the water's edge of Lake Ontario;

Thence Westerly along the water's edge 1323 feet more or less to the limit between Lots Sixteen (16) and Seventeen (17);

Thence South 4 deg. 03 min. East along the Southerly production of the said last-mentioned limit to a point distant 3300 feet more or less from the Road Allowance between Concession One (1) and the Broken Front Concession;

Thence Westerly along the Southerly limit of the parcel annexed to the City of Kingston by R.S.O. 1931, Chapter 103, to the South-Easterly angle of the parcel annexed to the City of Kingston by 20, Geo. V., Chapter 84, 1930;

Thence along the Southerly limit of the above-mentioned parcel South 70 deg. 30 min. West one thousand feet (1000');

Thence North 19 deg. 30 min. West 4150 feet to the Southerly limit of Concession One (1);

Thence Easterly along the last-mentioned limit to the Westerly limit of the parcel annexed to the city by 20, Geo. V., Chapter 84, 1930;

Thence Northerly along the last-mentioned limit to the water's edge of Cataraqui Bay;

Thence Westerly along the water's edge and across the mouth of the Little Cataraqui Creek to a concrete monument planted at the intersection of the Southerly limit of the Front Road with the High Water Mark of the Cataraqui Bay.

Thence North 42 deg. 49 min. West one hundred and twenty-one and seven-tenths (121.7') feet to a concrete monument;

Thence North 76 deg. 35 min. West four hundred and eighty-seven feet (487') to a concrete monument;

Thence north 27 deg. 45 min. East seventy-six and ninety-seven one-hundredths feet (76.97') to a concrete monument, planted in the Southerly limit of the road allowance between Concession 1 and the broken front in front of Concession 1, distant therein easterly nineteen and seven-tenths feet (19.7') from the limit between lots twelve and thirteen.

Thence North 72 deg. 47 min. West one hundred and eleven and seventy-five one hundredths feet (111.75') to a concrete monument planted in the north limit of the above-mentioned road allowance;

Thence North 68 deg. 41 min. West three hundred and thirty-seven and two-tenths feet (337.2') to a concrete monument;

Thence North 66 deg. 58 min. East five hundred and twenty-one and fifteen one-hundredths feet (521.15') to a concrete monument;

Thence North 35 deg. 34 min. West four hundred and eighty feet and forty-six one-hundredths feet (480.46') to a concrete monument;

Thence North 79 deg. 34 min. East three hundred and ninety-four and eighty-five one-hundredths feet (394.85') to a concrete monument;

Thence North 3 deg. 16 min. West three hundred and twenty-eight and eighty-two one-hundredths feet (328.82') to a concrete monument;

Thence North 88 deg. 21 min. West four hundred and thirty-four and eighty-five one-hundredths feet (434.85') to a concrete monument.

Thence North 39 deg. 52 min. West four hundred and thirty-two and ninety-five one-hundredths feet (432.95') to a concrete monument.

Thence North 65 deg. 24 min. West two hundred and fifty feet (250') to an iron bar;

Thence North 43 deg. 41 min. West seven hundred and sixty-five and seven-tenths feet (765.7') to an iron bar;

Thence North 3 deg. 44 min. West four hundred and eighty-two and ninety-five one-hundredths feet (482.95') to an iron bar;

Thence South 83 deg. 52 min. East one thousand one hundred and thirty-six and thirty-seven one-hundredths feet (1,136.37') to an iron bar;

Thence North 49 deg. 20 min. east one thousand two hundred and ninety and sixty-five one-hundredths feet (1,290.65') to an iron bar;

Thence North 36 deg. 41 min. East five hundred and twenty-eight and twenty-five one-hundredths feet (528.25') to an iron bar;

Thence North 21 deg. 24 min. West four hundred and twenty-seven and three-tenths feet (427.3') to an iron bar;

Thence South 76 deg. 3 min. West one thousand and forty-four and four-tenths feet (1,044.4') to an iron bar;

Thence North 3 deg. 56 min. West four hundred and nineteen and sixty-five one-hundredths feet (419.65') to an iron bar;



Thence North 43 deg. 28 min. East one thousand six hundred and fifty-one and ninety-two one-hundredths feet (1,651.92') to an iron bar;

Thence South 69 deg. 18 min. East two hundred and twenty-six and sixty-five one-hundredths feet (226.65') to an iron bar;

Thence North 46 deg. 25 min. East four hundred and ninety-three and three-tenths feet (493.3') to an iron bar;

Thence North 13 deg. 49 min. West three hundred and eighty-eight and twenty-five one-hundredths feet (388.25') to an iron bar;

Thence North 27 deg. 9 min. East three hundred and fourteen and seventenths feet (314.7') to an iron bar;

Thence North 62 deg. 52 min. West two hundred and thirty-nine feet (239') to a concrete monument;

Thence North 7 deg. 49 min. West two hundred and ninety-seven and sixty-five one-hundredths feet (297.65') to a concrete monument planted fifty feet (50') northerly from the centre line of The King's Highway No. 33;

Thence North 31 deg. 50 min. East two hundred and eighty-seven and two-tenths feet (287.2') to a concrete monument;

Thence North 72 deg. 39 min. East four hundred and eighty-four and two-tenths feet (484.2') to a concrete monument;

Thence North 39 deg. 14 min. East four hundred and fifty-eight and seven-tenths feet (458.7') to a concrete monument;

Thence North 0 deg. 3 min. West six hundred and seventy-three and three-tenths feet (673.3') to a concrete monument;

Thence North 11 deg. 10 min. East eight hundred and eight and two-tenths feet (808.2') to a concrete monument;

Thence North 14 deg. 53 min. West two hundred and sixty-three and eight-tenths feet (263.8') to a concrete monument;

Thence North 29 deg. 37 min. East five hundred and eighty-four and nine-tenths feet (584.9') to a concrete monument;

Thence North 27 deg. 12 min. West across Dawson Creek and the marsh adjoining said Creek, a distance of one thousand five hundred and ninety and five-tenths feet (1,590.5') to a concrete monument;

Thence North 20 deg. 36 min. East one hundred and fifty and fifty-five one-hundredths feet (150.55') to a concrete monument;

Thence North 36 deg. 0 min. West four hundred and ninety-one and twenty-five one-hundredths feet (491.25') to a concrete monument;

Thence North 13 deg. 56 min. East two hundred and ninety-seven and eighty-five one-hundredths feet (297.85') to a concrete monument;

Thence North 17 deg. 23 min. West two hundred and seventy-five and twenty-five one-hundredths feet (275.25') to a concrete monument planted in a fence line, marking the southerly limit of the Canadian National Railway right-of-way, (Toronto—Montreal main line);

Thence North 51 deg. 46 min. East in the last-mentioned limit, one thousand one hundred and sixty-five feet (1,165') to a concrete monument planted fifty feet (50') southerly from the centre line of The King's Highway No. 2;

Thence North 52 deg. 6 min. and 46 sec. East, on a line parallel to and distant southerly at right angles thirty feet (30') from the southerly rail of the southerly track of the Canadian National Railway main line;

a distance of two thousand one hundred and sixty-six and one-tenth feet (2,166.1') to a concrete monument planted in the northerly limit of the road allowance between Concessions 2 and 3, and distant therein on a course South 88 deg. 15 min. West one thousand and eighty-two and seven-tenths feet (1,082.7') from the south-west angle of lot 19 Concession 3;

Thence North 51 deg. 58 min. 32 sec. East, parallel and distant southerly thirty feet (30') from the south rail of the south tracks of the Canadian National Railway, a distance of one thousand three hundred and sixty-one and nine-tenths feet (1,361.9') to a concrete monument planted in the limit between lots 18 and 19, distant therein northerly eight hundred and four and six-tenths feet (804.6') from the south-west angle of lot 19 Concession 3;

Thence North 0 deg. 39 min. West, in the limit between lots 18 and 19, three thousand seven hundred and sixty-one and four-tenths feet (3,761.4');

Thence North 88 deg. 0 min. 4 sec. East seven thousand seven hundred and fifty-five and one-tenth feet (7,755.1') to a concrete monument, planted forty-three (43') westerly from the centre line of Division Street;

Thence North 84 deg. 15 min. 7 sec. East across Division Street, eighty-six feet (86') to a concrete monument;

Thence North 84 deg. 15 min. 7 sec. East, along the limit between lots 3 and 4 as shown on Registered Plan No. 68, a distance of two thousand eight hundred and nineteen and five-tenths feet (2,819.5') to a concrete monument;

Thence North 5 deg. 39 min. 13 sec. West, along the line between lots 4 and 6, Registered Plan No. 68, a distance of one thousand one hundred and twenty-four and thirty-five one-hundredths feet (1,124.35') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the line between the northerly limit of lot 6 Registered Plan No. 68, and the southerly limit of Township lot 9 west of the Great Catarqui River; a distance of three thousand eight hundred and thirty-five and two-tenths feet (3,835.2') to a concrete monument planted forty-three feet (43') westerly at right angles from the centre line of the Montreal Road;

Thence North 84 deg. 9 min. East, across the Montreal Road, one hundred and five and fifty-seven one-hundredths feet (105.57') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the limit between lot 7 Plan No. 68 and Township lot 9 west of the Great Catarqui River, and its production easterly, nine hundred and seventy feet (970') to a concrete monument planted in the right-of-way of the Canadian National Railway;

Thence North 74 deg. 49 min. 26 sec. East (astronomic) six thousand five hundred feet (6,500') more or less, to the easterly water's edge of the Great Catarqui River;

Thence Southerly and Westerly along the Easterly water's edge of the Great Catarqui River, to the point of intersection with the Easterly production of the limit between Township lots 4 and 5 West of the Great Catarqui River;

Thence Westerly along the said production and the limit between the said lots 4 and 5 itself, and its production Westerly, to the Westerly limit of Division Street;

Thence Southerly along the Westerly limit of Division Street to the South-east angle of lot 24 Concession 2;

Thence Westerly in a direct line crossing Concession Street to the North-west angle of lot 21 Concession 1;

Thence southerly along the limits between lots 20 and 21 to the South limit of The Kings' Highway No. 33;

Thence Westerly along the said last-mentioned limit to the Westerly limit of Palace Road;

Thence Southerly along the last-mentioned limit to the Southerly limit of Johnson Street;

Thence Easterly along the last-mentioned limit to the line between lots 20 and 21;

Thence Southerly along the said last-mentioned limit to the point of commencement of the herein described parcel;

SAVE AND EXCEPT from the above-described lands, the lands annexed to the City of Kingston (1) by 20, Geo. V. Chap. 84, 1930; (2) by R.S.O., 1931, Chap. 103 and (3) by Municipal Board Order as set out in Instruments Numbers 27146A and 29249 and filed in the Registry Office for the Registry Division of Kingston and Frontenac.

The above-described lands to be annexed are outlined in red on the accompanying plans.

And all the water lots lying south of the Village of Portsmouth, the City of Kingston and the Township of Kingston to which patents have been issued by the Crown; and all the waters and land under the waters of Lake Ontario and the Harbour lying south of the land lying between the said south-west angle of the Broken Front Lot 21 in Front of Concession 1 Township of Kingston formerly and now in the City of Kingston and the concrete monument standing at the intersection of the southerly limit of the Front Road with the High Water Mark of the Cataraqui Bay. The westerly limit of said waters, and the land under the waters is a line through the above described concrete monument on limit of the Front Road, and is a line parallel to the limit between lots 12 and 13 Concession 1 Township of Kingston. And the said waters and land under waters extend southerly to within 500 yards of the shores of the Township of Wolfe Island.

#### PLANS

(Illustrating the above descriptions)



BILL

An Act respecting the City of Kingston

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*1st Reading*

March 6th, 1952

*2nd Reading*

*3rd Reading*

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MR. NICKLE

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*(Reprinted as amended by the Committee on  
Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act respecting the City of Kingston**

---

MR. NICKLE

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No. 32

1952

# BILL

## An Act respecting the City of Kingston

**W**HEREAS The Corporation of the City of Kingston Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Order P.F. C-4238 dated the 1st day of November, Annexation  
orders  
confirmed  
1951, and Order P.F. C-4238 dated the 20th day of December,  
1951, of the Ontario Municipal Board, set forth as Schedules  
A and B hereto respectively, are hereby confirmed.

2. In addition to the powers contained in subsections 2 Sewer rental  
and 5 of section 389 of *The Municipal Act*, the council of The Rev. Stat.,  
c. 243  
Corporation of the City of Kingston may by by-law provide  
for imposing upon the owners or occupants of land a surcharge  
on water rates, to be known as a "sewer rental", for payment  
of any part of the capital cost of any treatment works or work  
as defined in clauses *i* and *j* of subsection 1 of section 389  
of *The Municipal Act* which may be constructed from time to  
time, and if any of the revenue therefrom is not required for  
this purpose may provide for applying and using such revenue  
for future capital expenditures on such treatment works or  
work.

3. Subject to the approval of the Ontario Municipal Board, Removal  
of con-  
demned  
buildings,  
etc.  
the council of The Corporation of the City of Kingston may  
pass by-laws ordering the removal of any building which upon  
the recommendation of the medical officer of health of The  
Corporation of the City of Kingston has been condemned  
pursuant to section 97 of *The Public Health Act*, as unfit for  
human habitation or dangerous to health, unless alterations  
to make such a building fit for human habitation and safe for  
health can be made in the opinion of the medical officer of  
health, the building inspector and the fire inspector of The  
Corporation of the City of Kingston and have been so made  
within six months of notice of such condemnation.

- Sewer connections**      **4.** The council of The Corporation of the City of Kingston may pass by-laws requiring any owner of a house on land which abuts on a street where there is a sewer to have all plumbing and drainage fixtures, except storm drains, of such houses connected with such sewer within two years after the sewer is constructed.
- Commence-ment**      **5.** This Act comes into force on the day it receives Royal Assent.
- Short title**      **6.** This Act may be cited as *The City of Kingston Act, 1952*.

## SCHEDULE A

P.F. C-4238

## THE ONTARIO MUNICIPAL BOARD

Thursday, the First day of November, A.D. 1951.

BEFORE

R. C. ROWLAND,  
Vice-Chairman

—and—

C. D. WIGHT,  
Member.IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, C.243) andIN THE MATTER OF an application  
by the Corporation of the City of  
Kingston for annexation thereto  
of (a) the Village of Portsmouth  
(b) Portions of the Township of  
Kingston, (c) Butterill Farm, as  
set out in Schedule "A" annexed  
hereto.

UPON THE APPLICATION of The Corporation of the City of Kingston in the presence of Counsel for The Corporation of the Village of Portsmouth, The Corporation of the County of Frontenac, The Corporation of the Township of Kingston, The Board of School Trustees of School Area No. 2 of the Township of Kingston, the Aluminum Company of Canada Limited, and the Point Pleasant Property Owners Association and of certain property owners and residents in the Township of Kingston who appeared in person, upon hearing read by-laws Nos. 826, 827 and 828 of the City of Kingston filed with this Board authorizing this application, and upon hearing the evidence adduced at a public hearing held at the City of Kingston on the 12th, 13th and 14th days of December, A.D. 1950, and the 8th, 9th and 10th days of January, A.D. 1951, pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by the Counsel aforesaid and by the aforesaid owners and residents, and this Board having been pleased to direct that this application stand over for order and the same coming on this day for order.

1. THE BOARD ORDERS under and pursuant to Section 20 of *The Municipal Act*, R.S.O. 1950, C. 243, that the whole of the Village of Portsmouth and that part of the Township of Kingston described in Schedule "A" hereto be and the same are hereby annexed to the City of Kingston, the present boundaries of which are more particularly described in Schedule "B" hereto; provided, however, that the Township of Kingston may, from time to time, in respect of access for surface drainage purposes to the western boundary of the Little Cataraqui River, exercise such rights for surface drainage and for expropriation, if necessary, to effectually carry out or exercise same, as are authorized by *The Public Health Act*, R.S.O. 1950, Chapter 306, and *The Municipal Act*, R.S.O. 1950, Chapter 243.

2. AND THE BOARD FURTHER ORDERS that subject to Section 20, s.s. 15 and 16 of *The Municipal Act*, R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect 12:00 o'clock midnight on the 31st day of December, 1951, and that until such time the Township of Kingston and the Village of Portsmouth shall be responsible for municipal services in their respective areas.

## 3. AND THE BOARD FURTHER ORDERS:

(a) That all lands in the districts described in Schedule "A" belonging to The Corporation of the Township of Kingston and the Village of Portsmouth as of the date of this Order or subsequently acquired up to 1 January, 1952, and any property sold for taxes by the County of Frontenac to



the Township of Kingston within the district of the Township of Kingston described in Schedule "A" tax deeds for which have not been delivered to the Township, shall belong to and be vested in The Corporation of the City of Kingston, and in the case of the tax deeds, the County of Frontenac shall deliver such tax deeds to the City of Kingston.

(b) That the interest of the districts of the Township of Kingston described in Schedule "A" in the following assets of the Township shall be determined as that proportion of the total of such assets of the Township as the assessment of said districts made in 1950, rateable for general purposes in 1951, bears to the total assessment of the Township made in 1950 rateable for general purposes in 1951:

Cash and bank balances less the amount of debentures due but unpaid and debenture coupons due but unpaid at December 31, 1951, as provided in Clause 3(g);

Accounts receivable;

Amounts due from the Province of Ontario;

Amounts due from the Government of Canada;

Taxes receivable;

Equipment;

Supplies.

(c) That the following liabilities shall be apportioned to the districts of the Township of Kingston described in Schedule "A" in the proportion of the assessment of said districts made in 1950, rateable for general purposes in 1951, to the total assessment of the Township made in 1950 rateable for general purposes in 1951:

Trade accounts payable for general purposes;

Amounts due to other municipalities.

(d) That the excess of the interest of the said districts of the Township of Kingston as described in Schedule "A" in assets as determined in (b) above over the proportion of the liabilities of said districts as determined in (c) above shall be paid by the Corporation of the Township of Kingston to the Corporation of the City of Kingston on or before the 31st day of December, 1952.

(e) That all debenture debt incurred in respect of schools built in and in respect of local improvements made in the districts of the Township of Kingston described in Schedule "A" shall after December 31st, 1951, be paid by the City of Kingston as the principal and interest of the debentures become due, and the Corporation of the City of Kingston shall indemnify the Corporation of the Township of Kingston against the same.

(f) That the respective budgets of the Township of Kingston and the Village of Portsmouth for the year 1951, exclusive of expenditures for school purposes, shall be submitted for approval to the Board on or before the fifteenth day of July, 1951, and any excess of expenditure made during the year 1951 over the amount approved by the Board in the said budgets shall:

(i) As to the Township of Kingston be borne by the remainder of the Township which is not annexed to the City of Kingston; and

(ii) As to the Village of Portsmouth shall be borne by the ratepayers of the area presently comprising the Village of Portsmouth by a special tax levy on them by the City of Kingston for the year 1952.



(g) That the Corporation of the Township of Kingston shall be liable and responsible for payment of its debentures due but unpaid and debenture coupons due but unpaid as of December 31st, 1951, and such debts shall be paid out of the funds of the Township of Kingston, as provided for in Clause 3(b) above.

(h) All of the property and assets and rights of The Corporation of the Village of Portsmouth shall be vested in The Corporation of the City of Kingston as of midnight, the 31st day of December, 1951, and thereafter The Corporation of the City of Kingston shall be liable to the creditors of the former Corporation of the Village of Portsmouth for its debts and obligations, and The Corporation of the City of Kingston shall have the same rights and powers with respect to the collection and recovery of all unpaid taxes imposed by the Council of the former municipality of the Village of Portsmouth, including those for the year 1951 and prior years, as if such taxes had been imposed by the Council of the City of Kingston to which the Village of Portsmouth on the said date becomes annexed; and The Corporation of the City of Kingston shall have the right to collect any further claims against third parties in the said manner and with all the powers which The Corporation of the Village of Portsmouth had or would have had if this Order for Annexation had not been made; and after 31 December, 1951, The Corporation of the Village of Portsmouth shall cease to exist.

(i) That the assets and liabilities of the Water Area of the Township of Kingston, established by By-law No. 511, shall not be taken into account in the division of the assets and liabilities, but shall be transferred to the Corporation of the City of Kingston and the City of Kingston shall have the right to levy for any deficit for the Water Area against the owners of property in the Water Area.

#### 4. AND THE BOARD FURTHER ORDERS:

(a) That the taxes, including business taxes, assessments, rents, school and other rates in respect of the said districts described in Schedule "A" to be levied by the City of Kingston shall, after the 31st day of December, 1951, be payable at the same time and in the same manner as taxes, including business taxes, assessments, rents, school and other rates levied and raised from time to time on the lands within the former boundaries of the City of Kingston as they existed on 1st January, 1950, and the assessment of lands of the said districts described in Schedule "A" made after 31st December, 1951, shall be on the same basis and made at the same time and in the same manner as lands within the former boundaries of the City of Kingston.

(b) Notwithstanding any provisions to the contrary in *The Assessment Act* and that the effective date of the annexation of the said districts is December 31, 1951, it shall be the duty of the assessor of the City of Kingston, and he shall have all of the powers of an assessor under *The Assessment Act*, to assess the land in the said districts in the year 1951 for tax purposes for the 1952, and such assessment shall be conducted in the same manner as the assessment made within the boundaries of the City of Kingston; and the time for the return of the Assessment roll in the said districts is hereby extended for ninety days after the 30th September, 1951; and all such assessments so made shall be subject to the same right of appeal as applies to assessments made within the boundaries of the City of Kingston, and appeals from such assessments so made shall be made to the Court of Revision of the City of Kingston, and such Court shall have authority to deal with them and the assessment rolls so made and confirmed shall constitute a part of the last revised assessment roll of the City of Kingston for all purposes, and such assessment when so made and finally revised, together with the assessment made within the boundaries of the City of Kingston, shall form the basis of the levy for taxes by the City of Kingston for the year 1952, and such taxes when so levied shall be payable to the City of Kingston; and that the Assessor of the Township of Kingston shall be relieved from making any assessment for the year 1951 of any property in the district described in Schedule "A" or making any assessment roll or rolls with respect thereto.

(c) That the Township of Kingston and the Village of Portsmouth shall each prepare and deliver on or before May 15, 1951, to the City of Kingston a copy of the assessment rolls made in 1950 for 1951 taxes in respect of the lands in the said districts; and the Township of Kingston and Village of Portsmouth shall at all reasonable times allow the City of Kingston, its servants and agents, access to the assessment rolls of the said districts and to all local improvement by-laws and local improvement assessment rolls and all plans, surveys, maps and books and records of the said districts. After the 31st day of December, 1951, The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth will hand over to The Corporation of the City of Kingston all local improvement by-laws, local improvement assessment rolls, and all by-laws authorizing the issue of debentures, and all plans, surveys and maps in respect of the said districts; Provided, however, that the Township of Kingston shall be required to hand over originals only of the plans, surveys and maps of those areas which do not effect any other part of the Township than the parts described in Schedule "A" hereto, but in the case of those plans, surveys and maps which do effect other parts of the Township than those described in Schedule "A", hereto, the Township shall make and give to The Corporation of the City of Kingston, but at the latter's expense, true copies of same.

(d) Notwithstanding that the effective date of annexation is the 31st day of December, 1951, The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth shall during the year 1951, if requested to do so by The Corporation of the City of Kingston, enter into the agreements contemplated by and of the type referred to in Section 61 of *The Local Improvement Act*.

#### 5. AND THE BOARD FURTHER ORDERS:

(a) That all taxes imposed by The Corporation of the Township of Kingston in the districts described in Schedule "A" to December 31st, 1951, and all arrears of taxes owing upon lands in the said districts shall belong to and be collected by The Corporation of the Township of Kingston; and to effectively carry this out, The Corporation of the Township of Kingston shall retain all statutory powers for the collection and recovery of arrears of taxes without affecting the right of The Corporation of the City of Kingston to enforce all statutory powers in respect of taxes subsequently levied by it. The provisions of Section 38(2) of *The Municipal Act* shall apply to all arrears of taxes notwithstanding the date upon which such taxes became in arrears.

6. AND THE BOARD FURTHER ORDERS that the lands in the districts described in Schedule "A" which fall within the description of Section 35 of *The Assessment Act* as amended in the year 1951 held and used for the purposes therein described shall be dealt with by The Corporation of the City of Kingston as therein provided.

#### 7. AND THE BOARD FURTHER ORDERS:

(a) That the public schools and school sites in the districts described in Schedule "A" shall vest in the Board of Education for the City of Kingston, and all separate schools and school sites in the districts described in Schedule "A" shall vest in The Board of Trustees of the Roman Catholic Separate Schools for the City of Kingston, and the whole of the assets and liabilities of the Boards of Education in the Village of Portsmouth and School Area No. 1 of the Township of Kingston shall vest in the respective Boards of the City of Kingston, by whom the liabilities if any in respect thereof shall be assumed and paid; and no capital expenditures shall be made by the said Public School Boards in the said School Area No. 1 or in the Village of Portsmouth during the year 1951 without first obtaining the approval of the Board of Education for the City of Kingston and of The Corporation of the City of Kingston and the Ontario Municipal Board. The Corporation of the Township of Kingston and The Corporation of the Village of Portsmouth shall in 1951 levy sufficient taxes to pay the expenses of the said Public School Boards within the Township of Kingston and the Village of Portsmouth and in the event that they do not so and that there is a deficit in any of the operations of the said Boards, The Corporation of the City of Kingston may in 1952 make



a special levy on the taxpayers of the said district or districts described in Schedule "A" (or of the Village of Portsmouth, as the case may be) to recover the amount of the said deficit or deficits; and that the Boards of Education of the Village of Portsmouth and School Area No. 1 of the Township of Kingston and the Trustees of the Roman Catholic Separate Schools for the Village of Portsmouth shall, after 31 December, 1951, cease to exist.

(b) For a period of two years commencing on the 1st January, 1952, all children residing in that portion of School Area No. 1 of the Township of Kingston which is not annexed to the City of Kingston shall be entitled to attend the schools in that portion of School Area No. 1 of the Township of Kingston which is annexed to the City of Kingston, and for a further period of three years thereafter shall be entitled to attend such schools to the extent of the available facilities thereof as such facilities now exist or have been authorized; PROVIDED, however, that at any time and from time to time the Corporation of the City of Kingston, the Board of Education of the City of Kingston, the Corporation of the Township of Kingston, the Public School Board of the Township of Kingston or any of them may apply to the Board for a variation of this clause of this order in so far as it relates to the right to attend such schools in the said three year period commencing January 1st, 1954, and such right shall not be terminated prior to January 1st, 1957, without the prior approval of the Board. The Corporation of the Township of Kingston shall pay to the appropriate Boards of the City of Kingston, at the authorized non-resident rate, for the attendance of all such pupils attending such schools.

8. AND THE BOARD FURTHER ORDERS that The Corporation of the City of Kingston shall make local improvement assessments and levies under and by virtue of the local improvement by-laws of The Corporation of the Township of Kingston and of The Corporation of the Village of Portsmouth which are in force as of 31 December, 1951, in any of the said districts, with all the powers and rights as if The Corporation of the City of Kingston had originally enacted the said by-laws under *The Local Improvement Act*.

9. AND THE BOARD DOTH FURTHER ORDER that the County of Frontenac shall indemnify The Corporation of the City of Kingston with respect to any amount of the High School debenture debt of the County of Frontenac claimed against any ratepayer resident in the districts described in Schedule "A" hereto, and all of such ratepayers shall be relieved of paying the annual rates for the said High School debenture debt.

10. AND THE BOARD DOTH FURTHER ORDER that the administration of justice costs, and the costs of the upkeep and maintenance of the Court House, Registry Office and Jail be re-apportioned as between The Corporation of the County of Frontenac and The Corporation of the City of Kingston in a manner to be agreed upon and, failing agreement by the 30th June, 1952, that the matter be referred to the County Court Judge for arbitration under and by virtue of the provisions of *The Municipal Act*.

11. AND THE BOARD FURTHER ORDERS that The Corporation of the Township of Kingston shall indemnify and save harmless The Corporation of the City of Kingston, to the extent of twenty-five per cent thereof, from all losses, costs, charges and expenses arising from any act or omission of The Corporation of the Township of Kingston, its officials or servants, up to December 31, 1951.

12. AND THE BOARD FURTHER ORDERS that The Corporation of the Village of Portsmouth and The Corporation of the Township of Kingston convey to The Corporation of the City of Kingston any other lands or any other rights in the said districts described in Schedule "A" not hereinbefore particularly described, provided that each shall do all other acts and things necessary to effectively carry out the intent of this Order.

13. AND THE BOARD FURTHER ORDERS:

(a) That the districts described in Schedule "A" shall be included in the existing wards of the City of Kingston, which is hereby authorized

subject to the approval of the Ontario Municipal Board to be obtained prior to 1 September, 1952, to lay out new boundaries for the various wards which shall be the ward boundaries for the municipal elections to be held in the City of Kingston in December, 1952.

(b) That the electors in the districts described in Schedule "A" shall not vote in the municipal elections and the elections for trustees of the School Board in the Township of Kingston in December, 1951, save as provided in the following paragraphs (c) and (d).

(c) That the electors in the Village of Portsmouth shall vote in the municipal elections to be held by the Village of Portsmouth, and elect one alderman who shall represent the district now comprising the Village of Portsmouth in the City Council until December 31, 1952, and that the electors in the district of the Township of Kingston described in Schedule "A" shall vote at the municipal elections to be held by the Township of Kingston, and shall elect two aldermen who shall sit in the Council of the City of Kingston representing their district until December 31, 1952, and the Council of the Corporation of the City of Kingston for the year 1952 only shall be enlarged accordingly; and that special voters' lists be prepared by The Corporation of the City of Kingston for the said elections, but the election shall be carried on by the City Clerk of the City of Kingston, provided however, that the qualifications of voters in the Village of Portsmouth shall be the same as those of voters for the Corporation of the City of Kingston, and that the Voters' List for the district of the Township of Kingston described in Schedule "A", be prepared from the last certified Voters' List of the Township of Kingston, in accordance with Section 102 of *The Municipal Act*.

(d) That the electors in the Village of Portsmouth entitled respectively to vote for public and separate school Trustees shall vote in the election for members of the said Boards of such Trustees to be held by the Village of Portsmouth and shall elect one Public and one Separate School Trustee who shall represent the district now comprising the Village of Portsmouth on the Board of Education of the City of Kingston and the Separate School Board of the City of Kingston until December 31, 1952; and that the electors in the district of the Township of Kingston described in Schedule "A" entitled respectively to vote for Public and Separate School Trustees shall vote at the election of such Trustees to be held in the Township of Kingston and shall elect one Public and one Separate School Trustee who shall represent the said district on the Board of Education of the City of Kingston and the Board of Trustees of the Roman Catholic Separate Schools of the City of Kingston until December 31, 1952; and that the Board of Trustees of the Roman Catholic Separate Schools for the City of Kingston and the Board of Education for the City of Kingston shall be enlarged accordingly for the year 1952 only, and that The Corporation of the City of Kingston shall prepare a special voters' list for the Village of Portsmouth and the said district of the Township of Kingston for the said elections, and the election shall be carried on at the same time as the election for aldermen, and shall be carried out in the manner provided under *The Boards of Education Act* and *The Separate Schools Act*, as the case may be, for Public and Separate School Trustees.

#### 14. AND THE BOARD FURTHER ORDERS:

(a) That By-law No. 511-1947, as amended, and all building, planning and zoning by-laws of the Township of Kingston and all building, planning and zoning by-laws of the Village of Portsmouth in force as of 31st December, 1951, in the said districts described in Schedule "A" shall remain in effect until altered, varied, changed or rescinded by the by-laws of The Corporation of the City of Kingston.

(b) That all by-laws of The Corporation of the City of Kingston in force as of December 31, 1951, shall from and after December 31, 1951, *mutatis mutandis*, apply and be in force in the districts described in Schedule "A".

(c) That notwithstanding subsections (a) and (b) of this section, neither the by-laws therein referred to nor any future by-laws of the City of Kingston shall prevent, interfere with, hinder or affect the operation by the Aluminum Company of Canada Limited, its successors or assigns, of any manufacturing processes of the type or character now carried

on in the said Township by the said Company or of a type or character similar, incidental or related thereto, upon any of the lands presently owned by it in the said district, consisting of approximately 310 acres, or upon any additional land in the said district, not exceeding in area 250 acres, contiguous or adjacent to the said 310 acres, which may be hereafter acquired by the said Company, its successors or assigns.

#### 15. AND THE BOARD FURTHER ORDERS:

(a) The provisions of Section 66 (1) of *The Municipal Act* shall govern the time and place for nomination meetings and the days fixed for polling for the purposes of the elections referred to in paragraph 13 of this Order and, except as hereinbefore provided, the provisions of Section 102 of the said Act shall apply to the preparation and delivery of the voters' list for the said elections.

(b) The Corporation of the City of Kingston may, for the purpose of the said elections exercise the powers conferred upon a local municipality by Section 81 of *The Municipal Act* in respect of the Village of Portsmouth and that part of the Township of Kingston described in Schedule "A" hereto, and shall pass a by-law for such purpose on or after the 29th day of November 1951, and before the 15th day of December 1951.

(c) The City Clerk of the City of Kingston shall be the returning officer for the purpose of the said elections and, in addition to all other powers and duties imposed upon him in that capacity, he shall on or before the 15th day of December 1951, appoint in writing returning officers to hold the nominations, if required, and the deputy returning officers, poll clerks and election assistants required or deemed necessary for the conduct of the said elections.

#### 16. AND THE BOARD FURTHER ORDERS:

(a) That no capital expenditures shall be made by The Corporation of the Township of Kingston or The Corporation of the Village of Portsmouth in respect to the said districts during the year 1951 unless the approval of The Corporation of the City of Kingston and the Board is first had and obtained, and if such approval is procured no contracts shall be let for any works involved in such capital expenditures until the approval of The Corporation of the City of Kingston thereto is first procured.

(b) That in the event that such capital expenditures are approved and contracts in respect thereof are let and such work is undertaken and is wholly or partially completed by the effective date of the annexation provided for in this Order, The Corporation of the City of Kingston shall be entitled to issue debentures in respect thereof in the same manner and to the same extent as if said works had been initially undertaken by The Corporation of the City of Kingston and as if the capital expenditures therein involved had been originally undertaken by The Corporation of the City of Kingston and the work involved in such capital expenditures had been undertaken by the Corporation of the City of Kingston.

17. AND THE BOARD FURTHER ORDERS that The Corporation of the City of Kingston shall, subject to the approval of the Board, be authorized to issue its debentures in order to pay for any liability or financial obligations which it assumes or for which it may become responsible as a result of this Order.

18. AND THE BOARD FURTHER ORDERS that any matter of financial liability not expressly dealt with in this Order shall not, by reason of such omission be deemed to have been waived by The Corporation of the City of Kingston or the Corporation of the County of Frontenac or the Corporation of the Township of Kingston or the Board of Education for the City of Kingston or the Board of Public School Trustees of Kingston Township Area No. 1, or the Board of Public School Trustees of the Village of Portsmouth or the Board of Separate School Trustees of the Village of Portsmouth, and this Order shall be deemed to cover matters hereinbefore specifically dealt with by this Order, and all other financial matters arising out of the annexation shall be adjusted from time to time



on a fair and equitable basis by and between the parties affected by this Order and, failing agreement, shall be determined by The Ontario Municipal Board.

19. AND THE BOARD hereby reserves all further order or directions within its power in respect of the annexation hereby ordered for further order or orders upon the application of any of the municipalities or local boards or any party affected by this Order.

(L.S.)

(Sgd.) L. R. CUMMING.

# DESCRIPTION OF LANDS TO BE ANNEXED TO THE CITY OF KINGSTON 1951

## *Schedule "A"*

NOTE: Schedule "A" to this Order contains a description of the lands to be annexed. This Schedule was repealed and a new Schedule substituted by Order P.F. C-4238 dated December 20th, 1951, which appears as Schedule B to this Act. Schedule "A" to this Order has therefore been omitted and the description of the lands to be annexed appears in Schedule B to this Act.

# DESCRIPTION OF THE LIMITS OF THE PRESENT CITY OF KINGSTON

## *Schedule "B"*

ALL AND SINGULAR that certain parcel or tract of land and water being the present City of Kingston, County of Frontenac and Province of Ontario; which said parcel or tract may be described in parts as follows:

PART ONE: COMMENCING at the point where the water's edge of Lake Ontario is intersected by the lot limit between Farm Lots 20 and 21 in the First Concession of the Township of Kingston formerly and now City of Kingston;

Thence northerly along said lot limit to the point where it intersects the southerly limit of Johnson Street;

Thence westerly along said southerly limit of street to the point where it intersects the westerly limit of the Palace Road;

Thence northerly along said westerly limit of road to the point of intersection of said limit with the southerly limit of Highway Number 33;

Thence easterly along said southerly limit of Highway to the point where this limit intersects the said lot limit between lots 20 and 21;

Thence northerly along this lot limit to the northwest corner of Lot 21;

Thence easterly in a direct line crossing Concession Street to the southeast angle of Lot 24 Concession Two Township of Kingston;

Thence northerly along the westerly limit of Division Street to the point where this limit is intersected by the westerly production of the limit between Lots 4 and 5 in the Concession West of the Great Cataraqui River;

Thence easterly to, along and on production easterly of said limit between lots 4 and 5 to the easterly water's edge of the Great Cataraqui River;

Thence southerly along said River's easterly edge to the extreme southwest point of Point Frederick in the Township of Pittsburg;

Thence southerly and parallel to the said lot limit between lots 20 and 21 a distance of 500 feet from the said southwest point of Point Frederick;

Thence westerly in a straight line to the point of Commencement.

And also as part of the Harbour of the City of Kingston, all the water lying southerly of the above described straight line from the described point 500 feet southerly of Point Frederick to the point of commencement, which may be 500 yards from the main shore of Wolfe Island.

The limits of the above described part one from the point of commencement to the easterly water's edge of the Great Cataraqui River are shown outlined in red on the plans accompanying schedule A made and signed by Campbell T. Smith O.L.S. dated Sept. 25, 1951. And the properties in Lot 5 West of the Great Cataraqui River owned by the Gould Storage Battery Limited and the Frontenac Floor and Wall Tile Co. Limited.

PART TWO: Being the land annexed to the City of Kingston by 20 George V Chap. 84 1930, and said land is particularly shown on Registered plan numbered 172 of registered date June 7th 1930 in the Registry Office of Kingston and Frontenac.

PARCEL THREE: Being the land annexed to the City of Kingston by Chapter 103 of the statutes of Ontario 1931 as given in Schedule B and more particularly described as follows:

ALL AND SINGULAR that parcel of land and land covered with water now situate in the Township of Kingston, in the County of Frontenac as follows:

COMMENCING at a point where the line of the easterly face of the dock of the Kingston Elevator Company produced intersects the southerly limit of Concession 1 of said Township, the said easterly face of dock being the easterly limit of the land annexed to the City of Kingston by *City of Kingston Act 1930*, thence south 19 degrees 30 minutes east along the line of the face of the said dock to a point where the said line produced southerly would intersect the extension of the westerly production of the harbour line of the said City; thence easterly along the said westerly production of the said harbour line to a point where the said harbour line intersects the production southerly of the line between lots numbers 16 and 17 in the First Concession of the said Township; thence northerly along the said line between the said lots 16 and 17 to the southerly limit of said first concession; thence westerly along the southerly limit of said first concession to the place of beginning.



## SCHEDULE B

P.F. C-4238

## THE ONTARIO MUNICIPAL BOARD

Thursday, the Twentieth day of December, A.D. 1951.

BEFORE

L. R. CUMMING, M.A.,  
Chairman,

—and—

R. C. ROWLAND,  
Member.IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, Chapter 243), andIN THE MATTER OF an application  
by the Corporation of the City  
of Kingston for an Order amend-  
ing an Order of the Board dated  
the 1st day of November, A.D.  
1951, providing for the annex-  
ation to the said City of the  
Village of Portsmouth and certain  
portions of the Township of  
Kingston, as set out in Schedule  
"A" annexed thereto.

UPON THE APPLICATION of the Corporation of the City of Kingston in the presence of counsel for the applicant, and upon hearing what was alleged by the said counsel and it appearing that certain errors in the description of the annexed areas have been disclosed and that it is necessary to amend the Order hereinbefore referred to so as to provide for certain other matters incidental to the said annexation.

1. THE BOARD ORDERS, under and pursuant to the powers contained in the legislation hereinbefore referred to, that the Order of The Ontario Municipal Board herein dated the 1st day of November, A.D. 1951 hereinbefore referred to (P.F. C-4238), be and the same is hereby amended,

- (a) by deleting therefrom the Schedule "A" and attached maps attached thereto and substituting therefor as Schedule "A" the Schedule and maps attached to this Order as Schedule "A".
- (b) by deleting in clause 4(b) the words "for ninety days after the 30th September, 1951", and inserting therein instead the words "to 31st January, 1952".
- (c) by adding the following words to clause 3(e) "The City of Kingston is authorized from time to time to pass by-laws, subject to the approval of this Board, providing for one or more additional places for the payment of the principal and interest of the said debentures".
- (d) by adding sub-clause (e) to clause 13 as follows, "that the hours for voting in the said elections shall be from 9.00 a.m. to 6.00 p.m.".
- (e) by adding thereto as sub-clause (d) of clause 14 the following, "(d) that notwithstanding the provisions of Section 273 (4) of the Municipal Act, the municipal council of the Corporation of the City of Kingston may during the year 1952 submit to the electors of the said City any by-law or by-laws of the class referred to in the said Section 273 (4) on any day during the said year other than a day in the month of July or August, provided that all other requirements of the law respecting submission of such by-laws are complied with".

(L.S.)

(Sgd.) L. R. CUMMING,  
Chairman.

DESCRIPTION OF LANDS TO BE ANNEXED TO THE  
CITY OF KINGSTON 1951

*Schedule "A"*

ALL AND SINGULAR those certain parcels or tracts of land and premises situate lying and being in the Village of Portsmouth, Township of Kingston, the marsh and the Great Cataraqui River; being composed of all the Village of Portsmouth, part of broken front lots twelve (12) and thirteen (13) and all of Lot seventeen (17) in front of Concession 1 in the Township of Kingston; part of lots twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty Concession 1 Township of Kingston; part of lots fourteen, fifteen, sixteen and seventeen Concession 2 Township of Kingston; all of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four Concession 2 Township of Kingston; part of lots eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four Concession 3 Township of Kingston; all of lots six and seven and Part Lots five and nine West of the Great Cataraqui River Township of Kingston; all lots one, two, three, five, six, and seven, as shown on the registered plan No. 68 for the County of Frontenac. All the lots and registered plans shown on the above-mentioned Village of Portsmouth and the Township of Kingston lots, all the marsh and the Great Cataraqui River lying between the east limit of Registered Plan No. 68 and lots five, six, seven, (5, 6, 7,) and part of lot nine (9) west of the Great Cataraqui River; and the easterly water's edge of the Great Cataraqui River are included in the lands herein described.

COMMENCING at the water's edge of Lake Ontario in the direction of the line between lots twenty and twenty-one in the first and broken front Concession of the Township of Kingston, being the south-west angle of Broken Farm Lot 21 in front of Concession 1, in the City of Kingston;

Thence South 4 deg. 03 min. East two hundred feet (200');

Thence South 65 deg. 37 min. West along the Southerly limit of the Village of Portsmouth (as set out by By-law No. 91—23rd Dec. 1858 C.C.F.) a distance of 4144.8 feet.

Thence North 4 deg. 03 min. West along the West limit of the Village of Portsmouth two-hundred feet (200') to the water's edge of Lake Ontario;

Thence Westerly along the water's edge 1323 feet more or less to the limit between Lots Sixteen (16) and Seventeen (17);

Thence South 4 deg. 03 min. East along the Southerly production of the said last-mentioned limit to a point distant 3300 feet more or less from the Road Allowance between Concession One (1) and the Broken Front Concession;

Thence Westerly along the Southerly limit of the parcel annexed to the City of Kingston by R.S.O. 1931, Chapter 103, to the South-Easterly angle of the parcel annexed to the City of Kingston by 20, Geo. V., Chapter 84, 1930;

Thence along the Southerly limit of the above-mentioned parcel South 70 deg. 30 min. West one thousand feet (1000');

Thence North 19 deg. 30 min. West 4150 feet to the Southerly limit of Concession One (1);

Thence Easterly along the last-mentioned limit to the Westerly limit of the parcel annexed to the city by 20, Geo. V., Chapter 84, 1930;

Thence Northerly along the last-mentioned limit to the water's edge of Cataraqui Bay;

Thence Westerly along the water's edge and across the mouth of the Little Cataraqui Creek to a concrete monument planted at the intersection of the Southerly limit of the Front Road with the High Water Mark of the Cataraqui Bay.

Thence North 42 deg. 49 min. West one hundred and twenty-one and seven-tenths (121.7') feet to a concrete monument;

Thence North 76 deg. 35 min. West four hundred and eighty-seven feet (487') to a concrete monument;

Thence north 27 deg. 45 min. East seventy-six and ninety-seven one-hundredths feet (76.97') to a concrete monument, planted in the Southerly limit of the road allowance between Concession 1 and the broken front in front of Concession 1, distant therein easterly nineteen and seven-tenths feet (19.7') from the limit between lots twelve and thirteen.

Thence North 72 deg. 47 min. West one hundred and eleven and seventy-five one hundredths feet (111.75') to a concrete monument planted in the north limit of the above-mentioned road allowance;

Thence North 68 deg. 41 min. West three hundred and thirty-seven and two-tenths feet (337.2') to a concrete monument;

Thence North 66 deg. 58 min. East five hundred and twenty-one and fifteen one-hundredths feet (521.15') to a concrete monument;

Thence North 35 deg. 34 min. West four hundred and eighty feet and forty-six one-hundredths feet (480.46') to a concrete monument;

Thence North 79 deg. 34 min. East three hundred and ninety-four and eighty-five one-hundredths feet (394.85') to a concrete monument;

Thence North 3 deg. 16 min. West three hundred and twenty-eight and eighty-two one-hundredths feet (328.82') to a concrete monument;

Thence North 88 deg. 21 min. West four hundred and thirty-four and eighty-five one-hundredths feet (434.85') to a concrete monument.

Thence North 39 deg. 52 min. West four hundred and thirty-two and ninety-five one-hundredths feet (432.95') to a concrete monument.

Thence North 65 deg. 24 min. West two hundred and fifty feet (250') to an iron bar;

Thence North 43 deg. 41 min. West seven hundred and sixty-five and seven-tenths feet (765.7') to an iron bar;

Thence North 3 deg. 44 min. West four hundred and eighty-two and ninety-five one-hundredths feet (482.95') to an iron bar;

Thence South 83 deg. 52 min. East one thousand one hundred and thirty-six and thirty-seven one-hundredths feet (1,136.37') to an iron bar;

Thence North 49 deg. 20 min. east one thousand two hundred and ninety and sixty-five one-hundredths feet (1,290.65') to an iron bar;

Thence North 36 deg. 41 min. East five hundred and twenty-eight and twenty-five one-hundredths feet (528.25') to an iron bar;

Thence North 21 deg. 24 min. West four hundred and twenty-seven and three-tenths feet (427.3') to an iron bar;

Thence South 76 deg. 3 min. West one thousand and forty-four and four-tenths feet (1,044.4') to an iron bar;

Thence North 3 deg. 56 min. West four hundred and nineteen and sixty-five one-hundredths feet (419.65') to an iron bar;



Thence North 43 deg. 28 min. East one thousand six hundred and fifty-one and ninety-two one-hundredths feet (1,651.92') to an iron bar;

Thence South 69 deg. 18 min. East two hundred and twenty-six and sixty-five one-hundredths feet (226.65') to an iron bar;

Thence North 46 deg. 25 min. East four hundred and ninety-three and three-tenths feet (493.3') to an iron bar;

Thence North 13 deg. 49 min. West three hundred and eighty-eight and twenty-five one-hundredths feet (388.25') to an iron bar;

Thence North 27 deg. 9 min. East three hundred and fourteen and seventenths feet (314.7') to an iron bar;

Thence North 62 deg. 52 min. West two hundred and thirty-nine feet (239') to a concrete monument;

Thence North 7 deg. 49 min. West two hundred and ninety-seven and sixty-five one-hundredths feet (297.65') to a concrete monument planted fifty feet (50') northerly from the centre line of The King's Highway No. 33;

Thence North 31 deg. 50 min. East two hundred and eighty-seven and two-tenths feet (287.2') to a concrete monument;

Thence North 72 deg. 39 min. East four hundred and eighty-four and two-tenths feet (484.2') to a concrete monument;

Thence North 39 deg. 14 min. East four hundred and fifty-eight and seven-tenths feet (458.7') to a concrete monument;

Thence North 0 deg. 3 min. West six hundred and seventy-three and three-tenths feet (673.3') to a concrete monument;

Thence North 11 deg. 10 min. East eight hundred and eight and two-tenths feet (808.2') to a concrete monument;

Thence North 14 deg. 53 min. West two hundred and sixty-three and eight-tenths feet (263.8') to a concrete monument;

Thence North 29 deg. 37 min. East five hundred and eighty-four and nine-tenths feet (584.9') to a concrete monument;

Thence North 27 deg. 12 min. West across Dawson Creek and the marsh adjoining said Creek, a distance of one thousand five hundred and ninety and five-tenths feet (1,590.5') to a concrete monument;

Thence North 20 deg. 36 min. East one hundred and fifty and fifty-five one-hundredths feet (150.55') to a concrete monument;

Thence North 36 deg. 0 min. West four hundred and ninety-one and twenty-five one-hundredths feet (491.25') to a concrete monument;

Thence North 13 deg. 56 min. East two hundred and ninety-seven and eighty-five one-hundredths feet (297.85') to a concrete monument;

Thence North 17 deg. 23 min. West two hundred and seventy-five and twenty-five one-hundredths feet (275.25') to a concrete monument planted in a fence line, marking the southerly limit of the Canadian National Railway right-of-way, (Toronto—Montreal main line);

Thence North 51 deg. 46 min. East in the last-mentioned limit, one thousand one hundred and sixty-five feet (1,165') to a concrete monument planted fifty feet (50') southerly from the centre line of The King's Highway No. 2;

Thence North 52 deg. 6 min. and 46 sec. East, on a line parallel to and distant southerly at right angles thirty feet (30') from the southerly rail of the southerly track of the Canadian National Railway main line;

a distance of two thousand one hundred and sixty-six and one-tenth feet (2,166.1') to a concrete monument planted in the northerly limit of the road allowance between Concessions 2 and 3, and distant therein on a course South 88 deg. 15 min. West one thousand and eighty-two and seven-tenths feet (1,082.7') from the south-west angle of lot 19 Concession 3;

Thence North 51 deg. 58 min. 32 sec. East, parallel and distant southerly thirty feet (30') from the south rail of the south tracks of the Canadian National Railway, a distance of one thousand three hundred and sixty-one and nine-tenths feet (1,361.9') to a concrete monument planted in the limit between lots 18 and 19, distant therein northerly eight hundred and four and six-tenths feet (804.6') from the south-west angle of lot 19 Concession 3;

Thence North 0 deg. 39 min. West, in the limit between lots 18 and 19, three thousand seven hundred and sixty-one and four-tenths feet (3,761.4');;

Thence North 88 deg. 0 min. 4 sec. East seven thousand seven hundred and fifty-five and one-tenth feet (7,755.1') to a concrete monument, planted forty-three (43') westerly from the centre line of Division Street;

Thence North 84 deg. 15 min. 7 sec. East across Division Street, eighty-six feet (86') to a concrete monument;

Thence North 84 deg. 15 min. 7 sec. East, along the limit between lots 3 and 4 as shown on Registered Plan No. 68, a distance of two thousand eight hundred and nineteen and five-tenths feet (2,819.5') to a concrete monument;

Thence North 5 deg. 39 min. 13 sec. West, along the line between lots 4 and 6, Registered Plan No. 68, a distance of one thousand one hundred and twenty-four and thirty-five one-hundredths feet (1,124.35') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the line between the northerly limit of lot 6 Registered Plan No. 68, and the southerly limit of Township lot 9 west of the Great Cataraqui River; a distance of three thousand eight hundred and thirty-five and two-tenths feet (3,835.2') to a concrete monument planted forty-three feet (43') westerly at right angles from the centre line of the Montreal Road;

Thence North 84 deg. 9 min. East, across the Montreal Road, one hundred and five and fifty-seven one-hundredths feet (105.57') to a concrete monument;

Thence North 83 deg. 30 min. 26 sec. East, along the limit between lot 7 Plan No. 68 and Township lot 9 west of the Great Cataraqui River, and its production easterly, nine hundred and seventy feet (970') to a concrete monument planted in the right-of-way of the Canadian National Railway;

Thence North 74 deg. 49 min. 26 sec. East (astronomic) six thousand five hundred feet (6,500') more or less, to the easterly water's edge of the Great Cataraqui River;

Thence Southerly and Westerly along the Easterly water's edge of the Great Cataraqui River, to the point of intersection with the Easterly production of the limit between Township lots 4 and 5 West of the Great Cataraqui River;

Thence Westerly along the said production and the limit between the said lots 4 and 5 itself, and its production Westerly, to the Westerly limit of Division Street;

Thence Southerly along the Westerly limit of Division Street to the South-east angle of lot 24 Concession 2;

Thence Westerly in a direct line crossing Concession Street to the North-west angle of lot 21 Concession 1;

Thence southerly along the limits between lots 20 and 21 to the South limit of The Kings' Highway No. 33;

Thence Westerly along the said last-mentioned limit to the Westerly limit of Palace Road;

Thence Southerly along the last-mentioned limit to the Southerly limit of Johnson Street;

Thence Easterly along the last-mentioned limit to the line between lots 20 and 21;

Thence Southerly along the said last-mentioned limit to the point of commencement of the herein described parcel;

SAVE AND EXCEPT from the above-described lands, the lands annexed to the City of Kingston (1) by 20, Geo. V. Chap. 84, 1930; (2) by R.S.O., 1931, Chap. 103 and (3) by Municipal Board Order as set out in Instruments Numbers 27146A and 29249 and filed in the Registry Office for the Registry Division of Kingston and Frontenac.

The above-described lands to be annexed are outlined in red on the accompanying plans.

And all the water lots lying south of the Village of Portsmouth, the City of Kingston and the Township of Kingston to which patents have been issued by the Crown; and all the waters and land under the waters of Lake Ontario and the Harbour lying south of the land lying between the said south-west angle of the Broken Front Lot 21 in Front of Concession 1 Township of Kingston formerly and now in the City of Kingston and the concrete monument standing at the intersection of the southerly limit of the Front Road with the High Water Mark of the Cataraqui Bay. The westerly limit of said waters, and the land under the waters is a line through the above described concrete monument on limit of the Front Road, and is a line parallel to the limit between lots 12 and 13 Concession 1 Township of Kingston. And the said waters and land under waters extend southerly to within 500 yards of the shores of the Township of Wolfe Island.

#### PLANS

(Illustrating the above descriptions)

An Act respecting the City of Kingston

---

*1st Reading*

March 6th, 1952

*2nd Reading*

March 24th, 1952

*3rd Reading*

March 27th, 1952

---

MR. NICKLE

---



No. 33

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act respecting the Township of McKim

---

MR. FULLERTON

---

(PRIVATE BILL)



No. 33

1952

# BILL

## An Act respecting the Township of McKim

**W**HEREAS The Corporation of the Township of McKim Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Notwithstanding *The Local Improvement Act* or any Water  
other Act, the council of the Corporation may by by-law service pipes  
provide that in respect of watermains in that area of the Rev. Stat.,  
Township established by by-law and known as "Water and c. 215  
Sewer Area No. 6", the amount to be assessed against each  
lot in respect of the water service pipe from the watermain  
to the street line shall be the average of the cost of all such  
water service pipes in the said area.

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** This Act may be cited as *The Township of McKim Act*, Short title  
1952.

BILL

An Act respecting the Township  
of McKim

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. FULLERTON

---

(*Private Bill*)

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

**An Act respecting the Township of McKim**

---

MR. FULLERTON

---

*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the Township of McKim

**W**HEREAS The Corporation of the Township of McKim Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Notwithstanding *The Local Improvement Act* or any Water  
other Act, the council of the Corporation may, with the service pipes  
approval of the Ontario Municipal Board or with the assent Rev. Stat.,  
of the electors qualified to vote on money by-laws in the area, c. 215  
by by-law provide that in respect of watermains in that area  
of the Township established by by-law and known as "Water  
and Sewer Area No. 6", the amount to be assessed against  
each lot in respect of the water service pipe from the water-  
main to the street line shall be the average of the cost of all  
such water service pipes in the said area.

2. This Act comes into force on the day it receives Royal Commence-  
Assent. ment

3. This Act may be cited as *The Township of McKim Act*, Short title  
1952.



An Act respecting the Township  
of McKim

---

*1st Reading*

March 3rd, 1952

*2nd Reading*

*3rd Reading*

---

MR. FULLERTON

---

*(Reprinted as amended by the Committee on  
Private Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

**An Act respecting the Township of McKim**

---

MR. FULLERTON

---



No. 33

1952

# BILL

## An Act respecting the Township of McKim

**W**HEREAS The Corporation of the Township of McKim <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Local Improvement Act* or any other Act, the council of the Corporation may, with the approval of the Ontario Municipal Board or with the assent of the electors qualified to vote on money by-laws in the area, by by-law provide that in respect of watermains in that area of the Township established by by-law and known as "Water and Sewer Area No. 6", the amount to be assessed against each lot in respect of the water service pipe from the water-main to the street line shall be the average of the cost of all such water service pipes in the said area. <sup>Water service pipes  
Rev. Stat.,  
c. 215</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

3. This Act may be cited as *The Township of McKim Act*, Short title 1952. <sup>Short title</sup>

An Act respecting the Township  
of McKim

---

*1st Reading*

March 3rd, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

March 25th, 1952

---

MR. FULLERTON

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

## BILL

An Act to suspend The Income Tax Act (Ontario) in respect  
of Income of the Calendar Year 1951

---

MR. FROST (Victoria)

---

EXPLANATORY NOTE

Self-explanatory.



No. 35

1952

# BILL

## An Act to suspend The Income Tax Act (Ontario) in respect of Income of the Calendar Year 1951

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Income Tax Act* (Ontario), no tax shall be levied under that Act on income of the calendar year 1951. Personal  
income tax  
suspended  
R.S.O. 1937,  
c. 25
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Income Tax Suspension Act, 1952*. Short title

An Act to suspend The Income Tax Act  
(Ontario) in respect of Income of the  
Calendar Year 1951

---

*1st Reading*

April 2nd, 1952

*2nd Reading*

*3rd Reading*

---

Mr. FROST (Victoria)

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

## BILL

**An Act to suspend The Income Tax Act (Ontario) in respect  
of Income of the Calendar Year 1951**

---

MR. FROST (Victoria)

---



No. 35

1952

# BILL

## An Act to suspend The Income Tax Act (Ontario) in respect of Income of the Calendar Year 1951

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Income Tax Act* (Ontario), no tax shall be levied under that Act on income of the calendar year 1951. Personal  
income tax  
suspended  
R.S.O. 1937,  
c. 25
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Income Tax Suspension Act, 1952*. Short title

BILL

An Act to suspend The Income Tax Act  
(Ontario) in respect of Income of the  
Calendar Year 1951.

---

*1st Reading*

April 2nd, 1952

*2nd Reading*

April 7th, 1952

*3rd Reading*

April 9th, 1952

---

MR. FROST (Victoria)

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The Provincial Loans Act

---

MR. FROST (Victoria)

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

SECTION 1. This provision is new. It is similar to section 17 of *The Financial Administration Act* passed by the Parliament of Canada last December.

SECTION 2. Self-explanatory.

No. 36

1952

# BILL

## An Act to amend The Provincial Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Loans Act* is amended by adding thereto the following section: Rev. Stat., c. 299, amended

7a.—(1) The Treasurer of Ontario, when he deems it advisable for the sound and efficient management of public money or the public debt, may purchase, acquire and hold securities of Ontario and pay therefor out of the Consolidated Revenue Fund. Treasurer may purchase Ontario securities

(2) The Treasurer of Ontario may sell any securities purchased, acquired or held pursuant to this section, and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. Sale of such securities

2. Subsection 1 of section 12 of *The Provincial Loans Act* is amended by striking out the words "lithographed or engraved" in the fourth and fifth lines and inserting in lieu thereof the words "engraved, lithographed, printed or otherwise mechanically reproduced", so that the subsection shall read as follows: Rev. Stat., c. 299, s. 12, subs. 1, amended

(1) The Lieutenant-Governor in Council may provide for the manner of executing provincial securities, and that the signature of the Treasurer of Ontario upon provincial securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Assistant Treasurer or such officer or officers of the Treasury Department as may be appointed for the purpose. Provincial securities, how executed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Provincial Loans Amendment Act, 1952*. Short title

An Act to amend The Provincial  
Loans Act

---

*1st Reading*

April 3rd, 1952

*2nd Reading*

*3rd Reading*

---

Mr. FROST (Victoria)

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The Provincial Loans Act

---

MR. FROST (Victoria)

---

---

TORONTO

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Provincial Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Loans Act* is amended by adding thereto the following section: Rev. Stat., c. 299, amended

7a.—(1) The Treasurer of Ontario, when he deems it advisable for the sound and efficient management of public money or the public debt, may purchase, acquire and hold securities of Ontario and pay therefor out of the Consolidated Revenue Fund. Treasurer may purchase Ontario securities

(2) The Treasurer of Ontario may sell any securities purchased, acquired or held pursuant to this section, and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. Sale of such securities

2. Subsection 1 of section 12 of *The Provincial Loans Act* is amended by striking out the words "lithographed or engraved" in the fourth and fifth lines and inserting in lieu thereof the words "engraved, lithographed, printed or otherwise mechanically reproduced", so that the subsection shall read as follows: Rev. Stat., c. 299, s. 12, subs. 1, amended

(1) The Lieutenant-Governor in Council may provide for the manner of executing provincial securities, and that the signature of the Treasurer of Ontario upon provincial securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Assistant Treasurer or such officer or officers of the Treasury Department as may be appointed for the purpose. Provincial securities, how executed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Provincial Loans Amendment Act, 1952*. Short title

BILL

An Act to amend The Provincial  
Loans Act

---

*1st Reading*

April 3rd, 1952

*2nd Reading*

April 7th, 1952

*3rd Reading*

April 9th, 1952

---

Mr. Frost (Victoria)

---



No. 37

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The Summary Convictions Act

---

MR. PORTER

---

#### EXPLANATORY NOTE

The subsection repealed reads as follows:

- (2) If the Attorney-General for Ontario certifies that in his opinion a judgment or decision of a county or district court on an appeal under this Act involves a question of law of sufficient importance to justify an appeal, an appeal shall lie therefrom to the Court of Appeal.

In 1948 the *Criminal Code* (Canada) was amended to provide that in summary conviction cases there can be a further appeal to the Court of Appeal from the decision of a county court judge on appeal from a magistrate's decision.

This new right of appeal applies to summary conviction cases under Ontario statutes. The subsection repealed is now superfluous.

No. 37

1952

# BILL

## An Act to amend The Summary Convictions Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 13 of *The Summary Convictions Act* is repealed. Rev. Stat.,  
c. 379,  
s. 13, subs. 2,  
repealed
2. This Act may be cited as *The Summary Convictions Amendment Act, 1952*. Short title

An Act to amend The Summary  
Convictions Act

---

*1st Reading*

February 21st, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

---

No. 37

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The Summary Convictions Act

---

MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 37

1952

# BILL

## An Act to amend The Summary Convictions Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 13 of *The Summary Convictions Act* is repealed. Rev. Stat.,  
c. 379,  
s. 13, subs. 2,  
repealed
2. This Act may be cited as *The Summary Convictions Amendment Act, 1952*. Short title



An Act to amend The Summary  
Convictions Act

---

*1st Reading*

February 21st, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

April 1st, 1952

---

MR. PORTER

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

**An Act to amend The Administration of  
Justice Expenses Act**

---

MR. PORTER

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

SECTION 1. The present jail surgeon's examination fee of \$1 was fixed nearly 80 years ago. It is now raised to \$2.

SECTION 2. Correction of typographical error.

No. 38

1952

# BILL

## An Act to amend The Administration of Justice Expenses Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Administration of Justice Expenses Act* Rev. Stat., c. 5, s. 4, amended is amended by striking out the symbol and figure "\$1" in the first line and inserting in lieu thereof the symbol and figure "\$2", so that the section shall read as follows:

4. A jail surgeon shall be entitled to receive a fee of \$2 Fee of jail surgeon for the examination of each prisoner eligible for removal, or sentenced to the penitentiary or a reformatory, and for making the certificate.

**2.** Item 1 under the heading "OTHER MATTERS" in Rev. Stat., c. 5, Sched. B, amended *The Administration of Justice Expenses Act* is amended by striking out the figures "15" in the third line and inserting in lieu thereof the figures "17".

**3.** This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1952*. Short title

An Act to amend The Administration  
of Justice Expenses Act

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

## An Act to amend The Administration of Justice Expenses Act

---

MR. PORTER

---

*(Reprinted as amended by the Committee on Legal Bills)*

EXPLANATORY NOTE

SECTION 1. The present jail surgeon's examination fee of \$1 was fixed nearly 80 years ago. It is now raised to \$2 for up to 1,000 examinations.

SECTION 2. Correction of typographical error.




No. 38

1952


# BILL

## An Act to amend The Administration of Justice Expenses Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 **1.** Section 4 of *The Administration of Justice Expenses Act* Rev. Stat., c. 5, s. 4, re-enacted is repealed and the following substituted therefor:

**4.** A jail surgeon shall be entitled to receive a fee of \$2 Fee of jail surgeon for the examination of each prisoner eligible for removal or sentenced to the penitentiary, a reformatory or an industrial farm, and for making the certificate, but where a jail surgeon makes more than 1,000 examinations and certificates in any year the fee for each such examination and certificate in excess of 1,000 shall be \$1.

 **2.** Item 1 under the heading "OTHER MATTERS" in Rev. Stat., c. 5, Sched. B, amended Schedule B to *The Administration of Justice Expenses Act* is amended by striking out the figures "15" in the third line and inserting in lieu thereof the figures "17".

**3.** This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1952*. Short title

An Act to amend The Administration  
of Justice Expenses Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

---

MR. PORTER

---

*(Reprinted as amended by the Committee  
on Legal Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# **BILL**

**An Act to amend The Administration of  
Justice Expenses Act**

---

MR. PORTER

---



# BILL

## An Act to amend The Administration of Justice Expenses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Administration of Justice Expenses Act* Rev. Stat., c. 5, s. 4, re-enacted is repealed and the following substituted therefor:
4. A jail surgeon shall be entitled to receive a fee of \$2 Fee of jail surgeon for the examination of each prisoner eligible for removal or sentenced to the penitentiary, a reformatory or an industrial farm, and for making the certificate, but where a jail surgeon makes more than 1,000 examinations and certificates in any year the fee for each such examination and certificate in excess of 1,000 shall be \$1.
2. Item 1 under the heading "OTHER MATTERS" in Rev. Stat., c. 5, Sched. B, amended Schedule B to *The Administration of Justice Expenses Act* is amended by striking out the figures "15" in the third line and inserting in lieu thereof the figures "17".
3. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1952* Short title.

Bill  
An Act to amend The Administration  
of Justice Expenses Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

April 3rd, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Custody of  
Documents Act

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MR. PORTER

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#### EXPLANATORY NOTE

The amendment increases the fees to be paid to the registrar on the deposit of documents from 20 cents to \$1 on every requisition, from 15 cents to 25 cents for notices sent to other registrars, and from 5 cents to 10 cents for entering upon the abstract index for each lot in excess of 4 lots and imposes a fee of 15 cents for each folio for copying a document.

No. 39

1952

# BILL

## An Act to amend The Custody of Documents Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Custody of Documents Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 85, s. 6,  
re-enacted

6. The registrar with whom the deposit is made shall be entitled to the following fees to be paid at the time of the deposit by the person making the deposit: Registrar's  
fees

On every requisition.....	\$1.00
On every document deposited.....	.10
For every notice necessary to be sent to other registrars (not more than one notice to any one registrar to be charged for).....	.25
Necessary postage on the notices and acknowledgments. A sum sufficient to pay the fees under subsection 2 of section 5.	
For entering upon the abstract index for each lot in excess of 4 lots.....	.10
For copying document, for each folio.....	.15

2. This Act comes into force on the 1st day of May, 1952. Commence-  
ment

3. This Act may be cited as *The Custody of Documents Amendment Act, 1952*. Short title

An Act to amend The Custody of  
Documents Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

## An Act to amend The Custody of Documents Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTE

SECTION 1. Section 1 of the bill provides for a fee of 15 cents for each folio for copying documents. The section being added authorizes the copying of documents in a proper registry book.

SECTION 2. The amendment increases the fees to be paid to the registrar on the deposit of documents from 20 cents to \$1 on every requisition, from 15 cents to 25 cents for notices sent to other registrars, and from 5 cents to 10 cents for entering upon the abstract index for each lot in excess of 4 lots and imposes a fee of 15 cents for each folio for copying a document.

# BILL

## An Act to amend The Custody of Documents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Custody of Documents Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 85, s. 4,  
amended

(5) The registrar shall copy in full in a proper registry book every document deposited under this Act. Documents  
to be  
copied

2. Section 6 of *The Custody of Documents Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 85, s. 6,  
re-enacted

6. The registrar with whom the deposit is made shall be entitled to the following fees to be paid at the time of the deposit by the person making the deposit: Registrar's  
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On every requisition.....	\$1.00
On every document deposited.....	.10
For every notice necessary to be sent to other registrars (not more than one notice to any one registrar to be charged for).....	.25
Necessary postage on the notices and acknowledgments. A sum sufficient to pay the fees under subsection 2 of section 5.	
For entering upon the abstract index for each lot in excess of 4 lots.....	.10
For copying document, for each folio.....	.15

3. This Act comes into force on the 1st day of May, 1952. Commence-  
ment

4. This Act may be cited as *The Custody of Documents Amendment Act, 1952*. Short title

An Act to amend The Custody of  
Documents Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

---

MR. PORTER

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*(Reprinted as amended by the Committee  
on Legal Bills)*



No. 39

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Custody of  
Documents Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 39

1952

# BILL

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3. This Act comes into force on the 1st day of May, 1952. Commence-  
ment

4. This Act may be cited as *The Custody of Documents Amendment Act, 1952*. Short title

An Act to amend The Custody of  
Documents Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

April 3rd, 1952

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MR. PORTER

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No. 40

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Division Courts Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. This section will provide for the office hours of division court offices. It is similar to the new schedule applicable in all other similar legal offices, i.e., the five-day week throughout the year.

SECTION 2. The proposed subsection, which is similar in principal to section 88 of *The Jurors Act*, is designed to prevent jury trials in division courts from being challenged on the purely technical grounds specified.

No. 40

1952

# BILL

## An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Division Courts Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 106,  
amended

18a. Except on Saturdays and holidays, every division court office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

2. Section 204 of *The Division Courts Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 106, s. 204,  
amended

(2) Failure to observe any of the provisions of this Act with respect to the qualification, selection, summoning and empanelling of jurors shall not be a ground of impeaching the verdict or judgment in any action. Failure to  
observe  
jury pro-  
visions

3. This Act comes into force on the 1st day of May, 1952. Commence-  
ment

4. This Act may be cited as *The Division Courts Amendment Act, 1952*. Short title



## An Act to amend The Division Courts Act

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*1st Reading*

February 22nd, 1952

*2nd Reading**3rd Reading*

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

## An Act to amend The Division Courts Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTES

SECTION 1. This section will provide for the office hours of division court offices. It is similar to the new schedule applicable in all other similar legal offices, i.e., the five-day week throughout the year.

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1952

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observe  
jury pro-  
visions  
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ing and empanelling of jurors shall not be a ground of  
impeaching the verdict or judgment in any action.

**3.** This Act comes into force on the 1st day of May, 1952. Commence-  
ment

**4.** This Act may be cited as *The Division Courts Amend-* Short title  
*ment Act, 1952.*

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An Act to amend The Division Courts Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

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MR. PORTER

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(Reprinted as amended by the Committee on  
Legal Bills)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Division Courts Act

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MR. PORTER

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TORONTO  
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No. 40

1952

# BILL

## An Act to amend The Division Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Division Courts Act* is amended by adding thereto the following section: Rev. Stat.,  
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c. 106, s. 204,  
amended

(2) Failure to observe any of the provisions of this Act with respect to the qualification, selection, summoning and empanelling of jurors shall not be a ground of impeaching the verdict or judgment in any action. Failure to  
observe  
jury pro-  
visions

3. This Act comes into force on the 1st day of May, 1952. Commence-  
ment

4. This Act may be cited as *The Division Courts Amendment Act, 1952*. Short title

BILL

An Act to amend The Division Courts Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

March 25th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Evidence Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. Correction of a typographical error.

SECTION 2. This amendment is to bring up to date in the light of international developments the provisions of *The Evidence Act* respecting the taking of oaths, etc., out of Ontario before members of the diplomatic and consular services. The amendment follows the pattern adopted by the Conference of Commissioners on Uniformity of Legislation in Canada and recommended by the Department of External Affairs.

No. 41

1952

# BILL

## An Act to amend The Evidence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Evidence Act* is amended by inserting Rev. Stat., c. 119, s. 26, after the word "signature" in the eleventh line the word "or", amended so that the section shall read as follows:

26. Where the original record could be received in Public or evidence, a copy of any official or public document official documents in Ontario, purporting to be certified under the hand of the proper officer, or the person in whose custody such official or public document is placed, or of a document, by-law, rule, regulation or proceeding, or of any entry in any register or other book of any corporation, created by charter or statute in Ontario, purporting to be certified under the seal of the corporation and the hand of the presiding officer or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

2. Clause *j* of section 40 of *The Evidence Act* is repealed Rev. Stat., c. 119, s. 40, and the following substituted therefor: cl. *j*, re-enacted

(*j*) an officer of any of Her Majesty's diplomatic or consular services exercising his functions in any country other than Canada, including an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;

(*jj*) an officer of the Canadian diplomatic, consular or representative services exercising his functions in any

country other than Canada, including, in addition to the diplomatic and consular officers mentioned in clause *j*, a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary;

(*jjj*) a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner exercising his functions in any country other than Canada.

Rev. Stat.,  
c. 119, s. 41,  
re-enacted

3. Section 41 of *The Evidence Act* is repealed and the following substituted therefor:

Proof of  
signature  
and seal

41. Any document purporting to have affixed, impressed or subscribed thereon or thereto,

(*a*) the signature of such judge or commissioner;  
or

(*b*) the signature and official seal of such notary public or prothonotary; or

(*c*) the seal of the corporation and the signature of such mayor or chief magistrate; or

(*d*) the signature of such magistrate or collector and of such governor; or

(*e*) the signature of a person mentioned in clause *j*, *jj* or *jjj* of section 40 and his seal or the seal or stamp of his office or of the office to which he is attached,

as the case may be, in testimony of such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, or for any other purpose authorized by this Act, shall be admitted in evidence without proof of his signature, or of his signature and the seal or stamp, or of his official character.

Short title

4. This Act may be cited as *The Evidence Amendment Act, 1952*.

SECTION 3. Complementary to section 2.







An Act to amend The Evidence Act

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Evidence Act**

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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## EXPLANATORY NOTES

SECTION 1. Correction of a typographical error.

SECTION 2. This amendment is to bring up to date in the light of international developments the provisions of *The Evidence Act* respecting the taking of oaths, etc., out of Ontario before members of the diplomatic and consular services. The amendment follows the pattern adopted by the Conference of Commissioners on Uniformity of Legislation in Canada and recommended by the Department of External Affairs.

# BILL

## An Act to amend The Evidence Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Evidence Act* is amended by inserting Rev. Stat., c. 119, s. 26, amended after the word "signature" in the eleventh line the word "or", so that the section shall read as follows:

26. Where the original record could be received in Public or official documents evidence, a copy of any official or public document in Ontario, purporting to be certified under the hand of the proper officer, or the person in whose custody such official or public document is placed, or of a document, by-law, rule, regulation or proceeding, or of any entry in any register or other book of any corporation, created by charter or statute in Ontario, purporting to be certified under the seal of the corporation and the hand of the presiding officer or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

2. Clause *j* of section 40 of *The Evidence Act* is repealed Rev. Stat., c. 119, s. 40, cl. j, re-enacted and the following substituted therefor:

(j) before an officer of any of Her Majesty's diplomatic or consular services exercising his functions in any country other than Canada, including an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;

(jj) before an officer of the Canadian diplomatic, consular or representative services exercising his func-

tions in any country other than Canada, including, in addition to the diplomatic and consular officers mentioned in clause *j*, a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary;

(*jjj*) before a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner exercising his functions in any country other than Canada.

Rev. Stat.,  
c. 119, s. 41,  
re-enacted

3. Section 41 of *The Evidence Act* is repealed and the following substituted therefor:

Proof of  
signature  
and seal

41. Any document purporting to have affixed, impressed or subscribed thereon or thereto,

- (a) the signature of such judge or commissioner; or
- (b) the signature and official seal of such notary public or prothonotary; or
- (c) the seal of the corporation and the signature of such mayor or chief magistrate; or
- (d) the signature of such magistrate or collector and of such governor; or
- (e) the signature of a person mentioned in clause *j*, *jj* or *jjj* of section 40 and his seal or the seal or stamp of his office or of the office to which he is attached,

as the case may be, in testimony of such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, or for any other purpose authorized by this Act, shall be admitted in evidence without proof of his signature, or of his signature and the seal or stamp, or of his official character.

Short title

4. This Act may be cited as *The Evidence Amendment Act, 1952*.



SECTION 3. Complementary to section 2.





An Act to amend The Evidence Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

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MR. PORTER

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(Reprinted as amended by the Committee  
on Legal Bills)

No. 41

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Evidence Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Evidence Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Evidence Act* is amended by inserting Rev. Stat., c. 119, s. 26, amended after the word "signature" in the eleventh line the word "or", so that the section shall read as follows:

26. Where the original record could be received in Public or official documents evidence, a copy of any official or public document in Ontario, purporting to be certified under the hand of the proper officer, or the person in whose custody such official or public document is placed, or of a document, by-law, rule, regulation or proceeding, or of any entry in any register or other book of any corporation, created by charter or statute in Ontario, purporting to be certified under the seal of the corporation and the hand of the presiding officer or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

2. Clause *j* of section 40 of *The Evidence Act* is repealed Rev. Stat., c. 119, s. 40, cl. j, re-enacted and the following substituted therefor:

(*j*) before an officer of any of Her Majesty's diplomatic or consular services exercising his functions in any country other than Canada, including an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;

(*jj*) before an officer of the Canadian diplomatic, consular or representative services exercising his func-



tions in any country other than Canada, including, in addition to the diplomatic and consular officers mentioned in clause *j*, a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary;

(*jjj*) before a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner exercising his functions in any country other than Canada.

Rev. Stat.,  
c. 119, s. 41,  
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3. Section 41 of *The Evidence Act* is repealed and the following substituted therefor:

Proof of  
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and seal

41. Any document purporting to have affixed, impressed or subscribed thereon or thereto,

- (a) the signature of such judge or commissioner;  
or
- (b) the signature and official seal of such notary public or prothonotary; or
- (c) the seal of the corporation and the signature of such mayor or chief magistrate; or
- (d) the signature of such magistrate or collector and of such governor; or
- (e) the signature of a person mentioned in clause *j*, *jj* or *jjj* of section 40 and his seal or the seal or stamp of his office or of the office to which he is attached,

as the case may be, in testimony of such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, or for any other purpose authorized by this Act, shall be admitted in evidence without proof of his signature, or of his signature and the seal or stamp, or of his official character.

Short title

4. This Act may be cited as *The Evidence Amendment Act, 1952*.







An Act to amend The Evidence Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

April 3rd, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Justices of the Peace Act, 1952.**

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MR. PORTER

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#### EXPLANATORY NOTE

This is a routine general revision of this Act which was last revised in 1926.

A number of obsolete provisions have been omitted and others changed to accord with present-day administrative practices.

The only substantial change in principle is found in section 11 of the bill, which is designed to prevent justices of the peace who are on salary for performing other duties in connection with magistrates' courts from retaining their fees as justices of the peace, if to do so would make the combined income from the two capacities too great having regard to the services rendered.



# BILL

## The Justices of the Peace Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Every judge of the Supreme Court of Canada, of the Exchequer Court of Canada, and of the Supreme Court of Ontario, and every judge and junior judge of a county or district court is *ex officio* a justice of the peace for every part of Ontario and as such has power to do alone whatever is authorized to be done by two or more justices of the peace. R.S.O. 1950, c. 192, s. 1 (1).

2.—(1) Subject to subsection 2, the Lieutenant-Governor by commission under the Great Seal in pursuant of an Order in Council may appoint justices of the peace in and for Ontario or any part thereof. R.S.O. 1950, c. 192, s. 2.

(2) Any person, other than a barrister or solicitor, desirous of being appointed a justice of the peace shall be examined in regard to his qualifications for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor in Council, and no such person shall be appointed a justice of the peace without a certificate from such judge or other person that he has examined the applicant and finds him qualified for the office and that in his opinion a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice. R.S.O. 1950, c. 192, s. 3 (1).

3. All former general commissions of the peace are void upon the issue of a new general commission of the peace, but nothing in this Act prevents the re-appointment of any justice of the peace named in a former commission if the Lieutenant-Governor in Council thinks fit, and the issue of a supplementary commission of the peace does not operate as a revocation of a general commission. R.S.O. 1950, c. 192, s. 4.

## Oaths

4.—(1) Every justice of the peace appointed, before acting, shall take the following oath:

I, A.B., of the.....of....., in the County (or District) of....., do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth (or the reigning Sovereign for the time being) in the office of justice of the peace, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God.

A.B.

Sworn before me, etc.

Rev. Stat.,  
c. 311

and also the oath of allegiance as required by *The Public Officers Act*. R.S.O. 1950, c. 192, s. 8 (1), *amended*.

Filing  
oaths

(2) The oath of office and oath of allegiance shall be transmitted forthwith to the Inspector of Legal Offices and shall be filed in his office. R.S.O. 1950, c. 192, s. 8 (3), *amended*.

Power to  
take  
oaths

Rev. Stat.,  
c. 57

5. Every justice of the peace shall have the same power to administer oaths, affirmations and declarations as a commissioner appointed under *The Commissioners for taking Affidavits Act*. R.S.O. 1950, c. 192, s. 9.

Use of  
town hall

6. A justice of the peace may use any court room or municipal hall for the hearing of cases brought before him, but not so as to interfere with its ordinary use. R.S.O. 1950, c. 192, s. 10, *amended*.

Powers  
of justices  
of the  
peace

7.—(1) A justice of the peace acting within his territorial jurisdiction,

(a) may take informations or issue search warrants or summonses or warrants returnable before a magistrate; and

(b) may hear and determine prosecutions under municipal by-laws. R.S.O. 1950, c. 192, s. 11 (1).

Limitation  
of power

(2) Except as provided in subsection 1, a justice of the peace shall not act in any case except under the direction of a magistrate. R.S.O. 1950, c. 192, s. 11 (2), *amended*.

Returns of  
convictions,  
etc.

8. Where a justice of the peace tries any offence,

(a) under a municipal by-law; or

(b) under the direction of a magistrate,

he shall make such returns as the Inspector of Legal Offices directs. R.S.O. 1950, c. 192, s. 12 (1), *amended*.

Fees in  
certain  
cases not  
otherwise  
provided for

9. In cases not provided for by the *Criminal Code* (Canada) and *The Summary Convictions Act*, the Lieutenant-Governor in Council may prescribe the fees and allowances to be paid

by a county, or, in the case of a provisional judicial district by the Province to a justice of the peace not receiving a salary. R.S.O. 1950, c. 192, s. 13, *amended*. R.S.C. 1927,  
c. 36  
Rev. Stat.,  
c. 379

**10.** The Lieutenant-Governor in Council may assign any justice of the peace to any city and fix his salary which shall be paid by the city. R.S.O. 1950, c. 192, s. 15, *amended*. Assign-  
ment of  
justices of  
the peace  
to cities

**11.** Where a person who is a justice of the peace is employed on salary in any capacity connected with a magistrate's court, the authority which employs and pays him in such capacity may require him to pay over to it all or such portion as it determines of the fees collected by him as a justice of the peace, and where his salary is paid out of the revenues of the magistrate's court such fees or the portion thereof so determined shall be paid over by him to the magistrate and shall form part of the moneys that accrue to the treasurer of the municipality. *New*. Dual  
offices

**12.** *The Justices of the Peace Act* and *The Justices of the Peace Amendment Act, 1951* are repealed. Rev. Stat.,  
c. 192;  
1951, c. 42,  
repealed

**13.** This Act comes into force on the 1st day of July, 1952. Commence-  
ment

**14.** This Act may be cited as *The Justices of the Peace Act, 1952*. Short  
title





The Justices of the Peace Act, 1952

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*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**The Justices of the Peace Act, 1952**

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MR. PORTER

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





# BILL

## The Justices of the Peace Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Every judge of the Supreme Court of Canada, of the Exchequer Court of Canada, and of the Supreme Court of Ontario, and every judge and junior judge of a county or district court is *ex officio* a justice of the peace for every part of Ontario and as such has power to do alone whatever is authorized to be done by two or more justices of the peace. Justices of the peace *ex officio* R.S.O. 1950, c. 192, s. 1 (1).

2.—(1) Subject to subsection 2, the Lieutenant-Governor by commission under the Great Seal pursuant to an Order in Council may appoint justices of the peace in and for Ontario or any part thereof. Appointment R.S.O. 1950, c. 192, s. 2.

(2) Any person, other than a barrister or solicitor, desirous of being appointed a justice of the peace shall be examined in regard to his qualifications for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor in Council, and no such person shall be appointed a justice of the peace without a certificate from such judge or other person that he has examined the applicant and finds him qualified for the office and that in his opinion a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice. Examination as to qualifications R.S.O. 1950, c. 192, s. 3 (1).

3. All former general commissions of the peace are void upon the issue of a new general commission of the peace, but nothing in this Act prevents the re-appointment of any justice of the peace named in a former commission if the Lieutenant-Governor in Council thinks fit, and the issue of a supplementary commission of the peace does not operate as a revocation of a general commission. Effect of new general commission R.S.O. 1950, c. 192, s. 4.

## Oaths

**4.—(1)** Every justice of the peace appointed, before acting, shall take the following oath:

I, *A.B.*, of the.....of....., in the County (or District) of....., do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth (or the reigning Sovereign for the time being) in the office of justice of the peace, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God.

*A.B.*

Sworn before me, etc.

Rev. Stat.,  
c. 311

and also the oath of allegiance as required by *The Public Officers Act*. R.S.O. 1950, c. 192, s. 8 (1), *amended*.

Filing  
oaths

(2) The oath of office and oath of allegiance shall be transmitted forthwith to the Inspector of Legal Offices and shall be filed in his office. R.S.O. 1950, c. 192, s. 8 (3), *amended*.

Power to  
take  
oaths

Rev. Stat.,  
c. 57

**5.** Every justice of the peace shall have the same power to administer oaths, affirmations and declarations as a commissioner appointed under *The Commissioners for taking Affidavits Act*. R.S.O. 1950, c. 192, s. 9.

Use of  
town hall

**6.** A justice of the peace may use any court room or municipal hall for the hearing of cases brought before him, but not so as to interfere with its ordinary use. R.S.O. 1950, c. 192, s. 10, *amended*.

Powers  
of justices  
of the  
peace

**7.—(1)** A justice of the peace acting within his territorial jurisdiction,

(a) may take informations or issue search warrants or summonses or warrants returnable before a magistrate; and

(b) may hear and determine prosecutions under municipal by-laws. R.S.O. 1950, c. 192, s. 11 (1).

Limitation  
of power

(2) Except as provided in subsection 1, a justice of the peace shall not act in any case except under the direction of a magistrate. R.S.O. 1950, c. 192, s. 11 (2), *amended*.

Returns of  
convictions,  
etc.

**8.** Where a justice of the peace tries any offence,

(a) under a municipal by-law; or

(b) under the direction of a magistrate,

he shall make such returns as the Inspector of Legal Offices directs. R.S.O. 1950, c. 192, s. 12 (1), *amended*.

Fees in  
certain  
cases not  
otherwise  
provided for

**9.** In cases not provided for by the *Criminal Code* (Canada) and *The Summary Convictions Act*, the Lieutenant-Governor in Council may prescribe the fees and allowances to be paid

by a county, or, in the case of a provisional judicial district by the Province to a justice of the peace not receiving a salary. R.S.O. 1950, c. 192, s. 13, *amended*. R.S.C. 1927,  
c. 36  
Rev. Stat.,  
c. 379

**10.** The Lieutenant-Governor in Council may assign any justice of the peace to any city and fix his salary which shall be paid by the city. R.S.O. 1950, c. 192, s. 15, *amended*. Assign-  
ment of  
justices of  
the peace  
to cities

**11.** Where a person who is a justice of the peace is employed on salary in any capacity connected with a magistrate's court, the authority which employs and pays him in such capacity may require him to pay over to it all or such portion as it determines of the fees collected by him as a justice of the peace, and where his salary is paid out of the revenues of the magistrate's court such fees or the portion thereof so determined shall be paid over by him to the magistrate and shall form part of the moneys that accrue to the treasurer of the municipality. *New*. Dual  
offices

**12.** *The Justices of the Peace Act* and *The Justices of the Peace Amendment Act, 1951* are repealed. Rev. Stat.,  
c. 192;  
1951, c. 42,  
repealed

**13.** This Act comes into force on the 1st day of July, 1952. Commence-  
ment

**14.** This Act may be cited as *The Justices of the Peace Act, 1952*. Short  
title





The Justices of the Peace Act, 1952

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

April 1st, 1952

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Mr. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Juvenile and  
Family Courts Act**

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. At present juvenile courts can be established for a city, town or county. The amendment will permit the establishment of a juvenile court for a district composed of two or more counties.

SECTIONS 2 and 3. Self-explanatory.

# BILL

## An Act to amend The Juvenile and Family Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Juvenile and Family Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 193, s. 1, subs. 1, re-enacted

(1) In every city, town or county, or in a district composed of two or more counties in which *The Juvenile Delinquents Act, 1929* (Canada) is proclaimed, there shall be a court of record to be known as the "juvenile court" of the city, town, county or district, as the case may be. Establishment of courts 1929, c. 46 (Can.)

(2) Subsection 2 of the said section 1 is amended by striking out the words "or county" in the third line and inserting in lieu thereof the words "county or district", so that the subsection shall read as follows: Rev. Stat., c. 193, s. 1, subs. 2, amended

(2) The court shall have jurisdiction within such territory, in addition to the area included within the limits of such city, town, county or district, as the Lieutenant-Governor in Council may from time to time designate. Idem

2. Section 10 of *The Juvenile and Family Courts Act* is amended by adding thereto the following subsections: Rev. Stat., c. 193, s. 10, amended

(4) Where a juvenile court has been established for a county or for a district composed of two or more counties, the county or counties and every city and town in such county or counties, as the case may be, shall pay such proportion of the cost of the court as may be mutually agreed upon, or failing agreement, as may be determined by arbitration. Costs of court, agreement or arbitration

## Arbitration

- (5) For the purposes of an arbitration under subsection 4, a judge of a county court of a county other than a county interested in the proceedings shall be sole arbitrator.

Procedure  
and appeals  
Rev. Stat.,  
c. 244

- (6) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals shall apply to arbitrations held and awards made under subsection 4.

Rev. Stat.,  
c. 193,  
amended

- 3.** *The Juvenile and Family Courts Act* is amended by adding thereto the following section:

Provincial  
aid

- 10a. The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to any municipality of such portion of the cost of a juvenile court as he may determine.

Commence-  
ment

- 4.** This Act comes into force on the 1st day of April, 1952.

## Short title

- 5.** This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1952*.









Bill  
An Act to amend The Juvenile and  
Family Courts Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 43

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Juvenile and  
Family Courts Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Juvenile and Family Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Juvenile and Family Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 193, s. 1, subs. 1, re-enacted

(1) In every city, town or county, or in a district composed of two or more counties, in which *The Juvenile Delinquents Act, 1929* (Canada) is proclaimed, there shall be a court of record to be known as the "juvenile court" of the city, town, county or district, as the case may be. Establishment of courts 1929, c. 46 (Can.)

(2) Subsection 2 of the said section 1 is amended by striking out the words "or county" in the third line and inserting in lieu thereof the words "county or district", so that the subsection shall read as follows: Rev. Stat., c. 193, s. 1, subs. 2, amended

(2) The court shall have jurisdiction within such territory, in addition to the area included within the limits of such city, town, county or district, as the Lieutenant-Governor in Council may from time to time designate. Idem

2. Section 10 of *The Juvenile and Family Courts Act* is amended by adding thereto the following subsections: Rev. Stat., c. 193, s. 10, amended

(4) Where a juvenile court has been established for a county or for a district composed of two or more counties, the county or counties and every city and town in such county or counties, as the case may be, shall pay such proportion of the cost of the court as may be mutually agreed upon, or failing agreement, as may be determined by arbitration. Costs of court, agreement or arbitration

- Arbitration (5) For the purposes of an arbitration under subsection 4, a judge of a county court of a county other than a county interested in the proceedings shall be sole arbitrator.
- Procedure and appeals  
Rev. Stat., c. 244 (6) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals shall apply to arbitrations held and awards made under subsection 4.
- Rev. Stat., c. 193, amended **3.** *The Juvenile and Family Courts Act* is amended by adding thereto the following section:
- Provincial aid 10a. The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to any municipality of such portion of the cost of a juvenile court as he may determine.
- Commencement **4.** This Act comes into force on the 1st day of April, 1952.
- Short title **5.** This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1952*.









BILL

An Act to amend The Juvenile and  
Family Courts Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

February 27th, 1952

*3rd Reading*

April 1st, 1952

---

MR. PORTER

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

The Magistrates Act, 1952

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MR. PORTER

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#### EXPLANATORY NOTE

This is a routine general revision of this Act which was last revised in 1936. A number of obsolete provisions have been omitted and others changed to accord with present-day administrative practices.

Two new principles are contained in the bill:

1. Present magistrates are given a choice as to retirement. They may elect to retire under *The Public Service Act* (at 60 or 65) or under *The Magistrates Act* (at 70). Future appointees have no choice—they will be governed by *The Public Service Act*. See section 4 of the bill.
2. Under the present Act magistrates assigned to cities are paid by the cities. In most cases they do not receive cost-of-living bonus, sick leave credit, etc., enjoyed by other magistrates. In order to remove these inequalities the bill provides for these city magistrates to be paid by the Province in the same way as other magistrates and for the Province to be reimbursed by the cities concerned. See section 20(3) of the bill.

# BILL

## The Magistrates Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Inspector" means Inspector of Legal Offices;

(b) "magistrate" includes deputy magistrate. R.S.O. 1950, c. 219, s. 1, *amended*.

**2.** The Lieutenant-Governor in Council may appoint <sup>Appoint-  
ment</sup> magistrates. R.S.O. 1950, c. 219, s. 2 (1).

**3.—(1)** Except as provided in subsection 2, magistrates <sup>Tenure of  
office</sup> shall hold office during pleasure.

(2) A magistrate who has held office for two years may <sup>Idem</sup> be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if,

(a) the circumstances respecting the misbehaviour or inability are first inquired into; and

(b) the magistrate is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(3) The Lieutenant-Governor in Council, for the purpose of making an inquiry under subsection 2, may appoint one <sup>Appoint-  
ment of  
judge to  
inquire</sup> or more judges of the Supreme Court to make such inquiry and to report thereon, and a judge so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. <sup>Rev. Stat.,  
c. 308</sup>

Order to  
be laid  
before  
Assembly

(4) Where a magistrate is removed from office under this section, the order effecting the removal and all reports, evidence and correspondence relating thereto shall be laid before the Assembly by the Attorney-General within the first fifteen days of the next ensuing session.

Application  
of subss.  
2, 3, 4

(5) Subsections 2, 3 and 4 do not apply to deputy magistrates. R.S.O. 1950, c. 219, s. 4, *amended*.

Retire-  
ment

4.—(1) Except as provided in subsection 2, magistrates shall cease to hold office upon attaining the age of seventy years.

Idem

(2) Magistrates holding office on the 1st day of July, 1941, shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 3.

Idem

Rev. Stat.,  
c. 317

(3) Notwithstanding anything in this Act or in *The Public Service Act*, either the provisions of this Act or of *The Public Service Act* as to retirement age, as he may elect, shall apply to any magistrate appointed before this Act comes into force.

Idem

(4) Notwithstanding anything in this Act or in *The Public Service Act*, the provisions of this Act as to retirement age shall not apply to magistrates appointed after this Act comes into force. *New*.

Re-appoint-  
ment of  
retired  
magistrates

5. A person who has ceased to hold office as a magistrate by reason of having attained retirement age may be re-appointed as a magistrate to hold office during pleasure at a salary not greater than that received immediately before retirement, but in any event he shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 5 (1).

Oaths to  
be taken

6.—(1) A magistrate before acting shall take the following oath of office:

I, A.B., of the.....of....., in the County (or District) of....., do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth (or the reigning Sovereign for the time being) in the office of magistrate (or deputy magistrate, as the case may be), and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God.

A.B.

Sworn before me, etc.

Rev. Stat.,  
c. 311

and also the oath of allegiance as required by *The Public Officers Act*.

Filing of  
oaths

(2) The oath of office and the oath of allegiance shall be transmitted forthwith to the Inspector and shall be filed in his office. R.S.O. 1950, c. 219, s. 9.

**7.** A magistrate has jurisdiction to act at any place in Ontario. R.S.O. 1950, c. 219, s. 8, *amended*. Jurisdiction

**8.** A magistrate is *ex officio* a justice of the peace. R.S.O. 1950, c. 219, s. 10 (1). Magistrates or justices

**9.** A magistrate sitting as such or as a justice of the peace has power to do alone whatever is authorized to be done by two or more justices of the peace. R.S.O. 1950, c. 219, s. 10 (2). Magistrates have powers of two justices

**10.** A magistrate shall continue to be a police magistrate for the purposes of the *Criminal Code* (Canada). 1934, c. 28, s. 2 (3). Magistrates have powers of police magistrates R.S.C., c. 36

**11.**—(1) A magistrate shall not act as agent, solicitor or counsel in any proceeding before a magistrate or a justice of the peace, and no partner or clerk of a magistrate shall act as agent, solicitor or counsel in any proceeding before him. Prohibition as to practising in magistrates' courts

(2) Unless authorized by the Lieutenant-Governor in Council, a magistrate shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as magistrate. R.S.O. 1950, c. 219, s. 11. Prohibition as to engaging in other occupation

**12.** Every judge and deputy judge of a juvenile court is *ex officio* a magistrate but shall act as such only when so directed by the Attorney-General. R.S.O. 1950, c. 219, s. 13. Judges of juvenile courts are magistrates

**13.**—(1) A magistrate shall be paid the salary fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 219, s. 14 (1). Salaries, amounts

(2) The salaries and travelling expenses of magistrates shall be payable out of such sums as are appropriated therefor by the Legislature. R.S.O. 1950, c. 219, s. 15 (1), *part*. how payable

**14.** A magistrate may use any court room or municipal hall, but not so as to interfere with its ordinary use. R.S.O. 1950, c. 219, s. 17. Use of court room

**15.** The court rooms, offices, furniture, equipment, supplies and stationery for magistrates shall be such as the Inspector thinks appropriate. R.S.O. 1950, c. 219, s. 19, *amended*. Office supplies, etc.

**16.** The Inspector may authorize a magistrate to employ clerical assistance and may fix the salary. R.S.O. 1950, c. 219, s. 24 (1), cl. (i), *amended*. Clerical assistance



Accounts  
to be  
audited  
Rev. Stat.,  
c. 5

**17.** The accounts relating to the salaries and expenses of magistrates shall be audited under *The Administration of Justice Expenses Act*. R.S.O. 1950, c. 219, s. 21.

Disposal  
of fees

**18.—**(1) Except in the case of a magistrate assigned to a city, every magistrate shall pay over the fees earned by him to the Treasurer of Ontario.

Idem

(2) Every magistrate assigned to a city shall pay over the fees earned by him to the treasurer of the city. *New.*

Deduction  
for  
expenses

**19.** Except in the case of a magistrate assigned to a city, every magistrate, from the total amount of the moneys coming into his hands that would otherwise accrue to the treasurer of a municipality, shall deduct and pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, and shall pay two-fifths of the balance of such moneys to the Treasurer of Ontario. R.S.O. 1950, c. 219, s. 15 (2).

City  
magistrates

**20.—**(1) The Attorney-General may assign one or more magistrates to a city. R.S.O. 1950, c. 219, s. 8 (1), *amended*.

Senior  
magistrate,  
Toronto

(2) The Attorney-General may designate one of the magistrates assigned to the City of Toronto as senior magistrate for that city. R.S.O. 1950, c. 219, s. 22 (2).

Reimburse-  
ment of  
Province

(3) Where a magistrate is assigned to a city, an amount equal to the amount of his salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance that is paid in the first instance by the Province shall be paid quarterly by the city to the Treasurer of Ontario, and if the assignment is for part time only the amount to be paid under this subsection shall be fixed by the Lieutenant-Governor in Council. *New.*

Accommoda-  
tion, etc.

(4) Where a magistrate is assigned to a city, the city shall provide such court room, office, furniture, equipment, supplies, stationery, interpreters and clerical assistance for the magistrate as the Inspector thinks appropriate. R.S.O. 1950, c. 219, ss. 20, 23, *amended*.

Super-  
annuation  
Rev. Stat.,  
c. 317

(5) Where a magistrate who is assigned to a city and who is not entitled to a superannuation allowance under *The Public Service Act* attains retirement age and is retired, the city may provide for the payment to him during his lifetime of an annual sum by way of superannuation allowance. R.S.O. 1950, c. 219, s. 6.

Regula-  
tions

**21.—**(1) The Lieutenant-Governor in Council may make regulations,

- (a) fixing the period and manner in which the moneys coming into their hands are to be paid over by magistrates;
- (b) specifying the returns to be made by magistrates;
- (c) providing for the safe-keeping and inspection of the books and accounts of magistrates;
- (d) providing for the appointment and employment of stenographic reporters to take down evidence before magistrates, and fixing their salaries, fees, expenses and other forms of remuneration;
- (e) defining the classes of cases in which a stenographic reporter may be employed and the terms and conditions of their employment, and providing for the remuneration of stenographic reporters by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case, or partly by the one method and partly by the other, and where the remuneration is made payable by the municipal corporation, providing for the allowance of a charge for stenographic reporting as part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (f) prescribing the duties of the senior magistrate for the City of Toronto;
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. R.S.O. 1950, c. 219, s. 24, *amended*.

**22.** *The Magistrates Act* and *The Magistrates Act, 1934* Rev. Stat., c. 219; 1934, c. 28, repealed are repealed.

**23.** This Act comes into force on the 1st day of July, 1952. Commencement

**24.** This Act may be cited as *The Magistrates Act, 1952*. Short title

The Magistrates Act, 1952

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*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

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Mr. PORTER

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No. 44

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

The Magistrates Act, 1952

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

This is a routine general revision of this Act which was last revised in 1936. A number of obsolete provisions have been omitted and others changed to accord with present-day administrative practices.

Two new principles are contained in the bill:

1. Present magistrates are given a choice as to retirement. They may elect to retire under *The Public Service Act* (at 60 or 65) or under *The Magistrates Act* (at 70). Future appointees have no choice—they will be governed by *The Public Service Act*. See section 4 of the bill.
2. Under the present Act magistrates assigned to cities are paid by the cities. In most cases they do not receive cost-of-living bonus, sick leave credit, etc., enjoyed by other magistrates. In order to remove these inequalities the bill provides for these city magistrates to be paid by the Province in the same way as other magistrates and for the Province to be reimbursed by the cities concerned. See section 20(3) of the bill.

# BILL

## The Magistrates Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Inspector" means Inspector of Legal Offices;

(b) "magistrate" includes deputy magistrate. R.S.O. 1950, c. 219, s. 1, *amended*.

**2.** The Lieutenant-Governor in Council may appoint <sup>Appoint-  
ment</sup> magistrates. R.S.O. 1950, c. 219, s. 2 (1).

**3.**—(1) Except as provided in subsection 2, magistrates <sup>Tenure of  
office</sup> shall hold office during pleasure.

(2) A magistrate who has held office for two years may <sup>Idem</sup> be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if,

(a) the circumstances respecting the misbehaviour or inability are first inquired into; and

(b) the magistrate is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(3) The Lieutenant-Governor in Council, for the purpose of making an inquiry under subsection 2, may appoint one <sup>Appoint-  
ment of  
judge to  
inquire</sup> or more judges of the Supreme Court to make such inquiry and to report thereon, and a judge so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,  
c. 308



Order to  
be laid  
before  
Assembly

(4) Where a magistrate is removed from office under this section, the order effecting the removal and all reports, evidence and correspondence relating thereto shall be laid before the Assembly by the Attorney-General within the first fifteen days of the next ensuing session.

Application  
of subss.  
2, 3, 4

(5) Subsections 2, 3 and 4 do not apply to deputy magistrates. R.S.O. 1950, c. 219, s. 4, *amended*.

Retire-  
ment

4.—(1) Except as provided in subsection 2, magistrates shall cease to hold office upon attaining the age of seventy years.

Idem

(2) Magistrates holding office on the 1st day of July, 1941, shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 3.

Idem

Rev. Stat.,  
c. 317

(3) Notwithstanding anything in this Act or in section 34 of *The Public Service Act*, either the provisions of this Act or of *The Public Service Act* as to retirement age, as he may elect, shall apply to any magistrate appointed before this Act comes into force.

Idem

(4) Notwithstanding anything in this Act or in section 34 of *The Public Service Act*, the provisions of *The Public Service Act* as to retirement age shall apply to magistrates appointed after this Act comes into force. *New*.

Re-appoint-  
ment of  
retired  
magistrates

5. A person who has ceased to hold office as a magistrate by reason of having attained retirement age may be re-appointed as a magistrate to hold office during pleasure at a salary not greater than that received immediately before retirement, but in any event he shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 5 (1).

Oaths to  
be taken

6.—(1) A magistrate before acting shall take the following oath of office:

I, *A.B.*, of the.....of....., in the County (or District) of....., do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth (or the reigning Sovereign for the time being) in the office of magistrate (or deputy magistrate, as the case may be), and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God.

*A.B.*

Sworn before me, etc.

Rev. Stat.,  
c. 311

and also the oath of allegiance as required by *The Public Officers Act*.

Filing of  
oaths

(2) The oath of office and the oath of allegiance shall be transmitted forthwith to the Inspector and shall be filed in his office. R.S.O. 1950, c. 219, s. 9.



7. A magistrate has jurisdiction to act at any place in Ontario. R.S.O. 1950, c. 219, s. 8, *amended*. Jurisdiction

8. A magistrate is *ex officio* a justice of the peace. R.S.O. 1950, c. 219, s. 10 (1). Magistrates or justices

9. A magistrate sitting as such or as a justice of the peace has power to do alone whatever is authorized to be done by two or more justices of the peace. R.S.O. 1950, c. 219, s. 10 (2). Magistrates have powers of two justices

10. A magistrate shall continue to be a police magistrate for the purposes of the *Criminal Code* (Canada). 1934, c. 28, s. 2 (3). Magistrates have powers of police magistrates R.S.C., c. 36

11.—(1) A magistrate shall not act as agent, solicitor or counsel in any proceeding before a magistrate or a justice of the peace, and no partner or clerk of a magistrate shall act as agent, solicitor or counsel in any proceeding before him. Prohibition as to practising in magistrates' courts

(2) Unless authorized by the Lieutenant-Governor in Council, a magistrate shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as magistrate. R.S.O. 1950, c. 219, s. 11. Prohibition as to engaging in other occupation

12. Every judge and deputy judge of a juvenile court is *ex officio* a magistrate but shall act as such only when so directed by the Attorney-General. R.S.O. 1950, c. 219, s. 13. Judges of juvenile courts are magistrates

13.—(1) A magistrate shall be paid the salary fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 219, s. 14 (1). Salaries, amounts

(2) The salaries and travelling expenses of magistrates shall be payable out of such sums as are appropriated therefor by the Legislature. R.S.O. 1950, c. 219, s. 15 (1), *part*. how payable

14. A magistrate may use any court room or municipal hall, but not so as to interfere with its ordinary use. R.S.O. 1950, c. 219, s. 17. Use of court room

15. The court rooms, offices, furniture, equipment, supplies and stationery for magistrates shall be such as the Inspector thinks appropriate. R.S.O. 1950, c. 219, s. 19, *amended*. Office supplies, etc.

16. The Inspector may authorize a magistrate to employ clerical assistance and may fix the salary. R.S.O. 1950, c. 219, s. 24 (1), cl. (i), *amended*. Clerical assistance

Accounts  
to be  
audited  
Rev. Stat.,  
c. 5

**17.** The accounts relating to the salaries and expenses of magistrates shall be audited under *The Administration of Justice Expenses Act*. R.S.O. 1950, c. 219, s. 21.

Disposal  
of fees

**18.—(1)** Except in the case of a magistrate assigned to a city, every magistrate shall pay over the fees earned by him to the Treasurer of Ontario.

Idem

**(2)** Every magistrate assigned to a city shall pay over the fees earned by him to the treasurer of the city. *New*.

Deduction  
for  
expenses

**19.** Except in the case of a magistrate assigned to a city, every magistrate, from the total amount of the moneys coming into his hands that would otherwise accrue to the treasurer of a municipality, shall deduct and pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, and shall pay two-fifths of the balance of such moneys to the Treasurer of Ontario. R.S.O. 1950, c. 219, s. 15 (2).

City  
magistrates

**20.—(1)** The Attorney-General may assign one or more magistrates to a city. R.S.O. 1950, c. 219, s. 8 (1), *amended*.

Senior  
magistrate,  
Toronto

**(2)** The Attorney-General may designate one of the magistrates assigned to the City of Toronto as senior magistrate for that city. R.S.O. 1950, c. 219, s. 22 (2).

Reimburse-  
ment of  
Province

**(3)** Where a magistrate is assigned to a city, an amount equal to the amount of his salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance that is paid in the first instance by the Province shall be paid quarterly by the city to the Treasurer of Ontario, and if the assignment is for part time only the amount to be paid under this subsection shall be fixed by the Lieutenant-Governor in Council. *New*.

Accommoda-  
tion, etc.

**(4)** Where a magistrate is assigned to a city, the city shall provide such court room, office, furniture, equipment, supplies, stationery, interpreters and clerical assistance for the magistrate as the Inspector thinks appropriate. R.S.O. 1950, c. 219, ss. 20, 23, *amended*.

Super-  
annuation  
Rev. Stat.,  
c. 317

**(5)** Where a magistrate who is assigned to a city and who is not entitled to a superannuation allowance under *The Public Service Act* attains retirement age and is retired, the city may provide for the payment to him during his lifetime of an annual sum by way of superannuation allowance. R.S.O. 1950, c. 219, s. 6.

Regula-  
tions

**21.—(1)** The Lieutenant-Governor in Council may make regulations,

- (a) fixing the period and manner in which the moneys coming into their hands are to be paid over by magistrates;
- (b) specifying the returns to be made by magistrates;
- (c) providing for the safe-keeping and inspection of the books and accounts of magistrates;
- (d) providing for the appointment and employment of stenographic reporters to take down evidence before magistrates, and fixing their salaries, fees, expenses and other forms of remuneration;
- (e) defining the classes of cases in which a stenographic reporter may be employed and the terms and conditions of their employment, and providing for the remuneration of stenographic reporters by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case, or partly by the one method and partly by the other, and where the remuneration is made payable by the municipal corporation, providing for the allowance of a charge for stenographic reporting as part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (f) prescribing the duties of the senior magistrate for the City of Toronto;
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. R.S.O. 1950, c. 219, s. 24, *amended*. Idem

**22.** *The Magistrates Act* and *The Magistrates Act, 1934* are repealed. Rev. Stat.,  
c. 219;  
1934, c. 28,  
repealed

**23.** This Act comes into force on the 1st day of May, 1952. Commence-  
ment

**24.** This Act may be cited as *The Magistrates Act, 1952*. Short  
title

The Magistrates Act, 1952

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee  
on Legal Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Magistrates Act, 1952**

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MR. PORTER

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*(Reprinted for consideration by the Committee  
of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

This is a routine general revision of this Act which was last revised in 1936. A number of obsolete provisions have been omitted and others changed to accord with present-day administrative practices.

Two new principles are contained in the bill:

1. Present magistrates are given a choice as to retirement. They may elect to retire under *The Public Service Act* (at 60 or 65) or under *The Magistrates Act* (at 70). Future appointees have no choice—they will be governed by *The Public Service Act*. See section 4 of the bill.
2. Under the present Act magistrates assigned to cities are paid by the cities. In most cases they do not receive cost-of-living bonus, sick leave credit, etc., enjoyed by other magistrates. In order to remove these inequalities the bill provides for these city magistrates to be paid by the Province in the same way as other magistrates and for the Province to be reimbursed by the cities concerned. See section 20(3) of the bill.



# BILL

## The Magistrates Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Inspector" means Inspector of Legal Offices;
- (b) "magistrate" includes deputy magistrate. R.S.O. 1950, c. 219, s. 1, *amended*.

**2.** The Lieutenant-Governor in Council may appoint <sup>Appoint-  
ment</sup> magistrates. R.S.O. 1950, c. 219, s. 2 (1).

**3.—(1)** Except as provided in subsection 2, magistrates <sup>Tenure of  
office</sup> shall hold office during pleasure.

(2) A magistrate who has held office for two years may <sup>Idem</sup> be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if,

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the magistrate is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(3) The Lieutenant-Governor in Council, for the purpose of making an inquiry under subsection 2, may appoint one or more judges of the Supreme Court to make such inquiry and to report thereon, and a judge so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. <sup>Appoint-  
ment of  
judge to  
inquire</sup>

Rev. Stat.,  
c. 308



Order to  
be laid  
before  
Assembly

(4) Where a magistrate is removed from office under this section, the order effecting the removal and all reports, evidence and correspondence relating thereto shall be laid before the Assembly by the Attorney-General within the first fifteen days of the next ensuing session.

Application  
of subss.  
2, 3, 4

(5) Subsections 2, 3 and 4 do not apply to deputy magistrates. R.S.O. 1950, c. 219, s. 4, *amended*.

Retire-  
ment

4.—(1) Except as provided in subsection 2, magistrates shall cease to hold office upon attaining the age of seventy years.

Idem

(2) Magistrates holding office on the 1st day of July, 1941, shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 3.

Idem

Rev. Stat.,  
c. 317

(3) Notwithstanding anything in this Act or in section 34 of *The Public Service Act*, either the provisions of this Act or of *The Public Service Act* as to retirement age, as he may elect, shall apply to any magistrate appointed before this Act comes into force.

Idem

(4) Notwithstanding anything in this Act or in section 34 of *The Public Service Act*, the provisions of *The Public Service Act* as to retirement age shall apply to magistrates appointed after this Act comes into force. *New*.

Re-appoint-  
ment of  
retired  
magistrates

5. A person who has ceased to hold office as a magistrate by reason of having attained retirement age may be re-appointed as a magistrate to hold office during pleasure at a salary not greater than that received immediately before retirement, but in any event he shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 5 (1).

Oaths to  
be taken.

6.—(1) A magistrate before acting shall take the following oath of office:

I, A.B., of the ..... of ..... in the County (or District) of ..... do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth (or the reigning Sovereign for the time being) in the office of magistrate (or deputy magistrate, as the case may be), and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God.

A.B.

Sworn before me, etc.

Rev. Stat.,  
c. 311

and also the oath of allegiance as required by *The Public Officers Act*.

Filing of  
oaths

(2) The oath of office and the oath of allegiance shall be transmitted forthwith to the Inspector and shall be filed in his office. R.S.O. 1950, c. 219, s. 9.

7. A magistrate has jurisdiction to act at any place in <sup>Jurisdiction</sup> Ontario. R.S.O. 1950, c. 219, s. 8, *amended*.

8. A magistrate is *ex officio* a justice of the peace. R.S.O. <sup>Magistrates or justices</sup> 1950, c. 219, s. 10 (1).

9. A magistrate sitting as such or as a justice of the peace <sup>Magistrates have powers of two justices</sup> has power to do alone whatever is authorized to be done by two or more justices of the peace. R.S.O. 1950, c. 219, s. 10 (2).

10. A magistrate shall continue to be a police magistrate <sup>Magistrates have powers of police magistrates</sup> for the purposes of the *Criminal Code* (Canada). 1934, R.S.C., c. 36 c. 28, s. 2 (3).

11.—(1) A magistrate shall not act as agent, solicitor or <sup>Prohibition as to practising in magistrates' courts</sup> counsel in any proceeding before a magistrate or a justice of the peace, and no partner or clerk of a magistrate shall act as agent, solicitor or counsel in any proceeding before him.

(2) Unless authorized by the Lieutenant-Governor in <sup>Prohibition as to engaging in other occupation</sup> Council, a magistrate shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as magistrate. R.S.O. 1950, c. 219, s. 11.

12. Every judge and deputy judge of a juvenile court is <sup>Judges of juvenile courts are magistrates</sup> *ex officio* a magistrate but shall act as such only when so directed by the Attorney-General. R.S.O. 1950, c. 219, s. 13.

13.—(1) A magistrate shall be paid the salary fixed by <sup>Salaries, amounts</sup> the Lieutenant-Governor in Council. R.S.O. 1950, c. 219, s. 14 (1).

(2) The salaries and travelling expenses of magistrates <sup>how payable</sup> shall be payable out of such sums as are appropriated therefor by the Legislature. R.S.O. 1950, c. 219, s. 15 (1), *part*.

14. A magistrate may use any court room or municipal hall, <sup>Use of court room</sup> but not so as to interfere with its ordinary use. R.S.O. 1950, c. 219, s. 17.

15. The court rooms, offices, furniture, equipment, sup- <sup>Office supplies, etc.</sup> plies and stationery for magistrates shall be such as the Inspector thinks appropriate. R.S.O. 1950, c. 219, s. 19, *amended*.

16. The Inspector may authorize a magistrate to employ <sup>Clerical assistance</sup> clerical assistance and may fix the salary. R.S.O. 1950, c. 219, s. 24 (1), cl. (i), *amended*.

Accounts  
to be  
audited  
Rev. Stat.,  
c. 5

**17.** The accounts relating to the salaries and expenses of magistrates shall be audited under *The Administration of Justice Expenses Act*. R.S.O. 1950, c. 219, s. 21.

Disposal  
of fees

**18.**—(1) Except in the case of a magistrate assigned to a city, every magistrate shall pay over the fees earned by him to the Treasurer of Ontario.

Idem

(2) Every magistrate assigned to a city shall pay over the fees earned by him to the treasurer of the city. *New.*

Deduction  
for  
expenses

**19.** Except in the case of a magistrate assigned to a city, every magistrate, from the total amount of the moneys coming into his hands that would otherwise accrue to the treasurer of a municipality, shall deduct and pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, and shall pay two-fifths of the balance of such moneys to the Treasurer of Ontario. R.S.O. 1950, c. 219, s. 15 (2).

City  
magistrates

**20.**—(1) The Attorney-General may assign one or more magistrates to a city. R.S.O. 1950, c. 219, s. 8 (1), *amended.*

Senior  
magistrate,  
Toronto

(2) The Attorney-General may designate one of the magistrates assigned to the City of Toronto as senior magistrate for that city. R.S.O. 1950, c. 219, s. 22 (2).

Reimburse-  
ment of  
Province

(3) Where a magistrate is assigned to a city, an amount equal to the amount of his salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance that is paid in the first instance by the Province shall be paid quarterly by the city to the Treasurer of Ontario, and if the assignment is for part time only the amount to be paid under this subsection shall be fixed by the Lieutenant-Governor in Council. *New.*

Accommoda-  
tion, etc.

(4) Where a magistrate is assigned to a city, the city shall provide such court room, office, furniture, equipment, supplies, stationery, interpreters and clerical assistance for the magistrate as the Inspector thinks appropriate. R.S.O. 1950, c. 219, ss. 20, 23, *amended.*

Super-  
annuation  
Rev. Stat.,  
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(5) Where a magistrate who is assigned to a city and who is not entitled to a superannuation allowance under *The Public Service Act* attains retirement age and is retired, the city may provide for the payment to him during his lifetime of an annual sum by way of superannuation allowance. R.S.O. 1950, c. 219, s. 6.

Regula-  
tions

**21.**—(1) The Lieutenant-Governor in Council may make regulations,

- (a) fixing the period and manner in which the moneys coming into their hands are to be paid over by magistrates;
- (b) specifying the returns to be made by magistrates;
- (c) providing for the safe-keeping and inspection of the books and accounts of magistrates;
- (d) providing for the appointment and employment of stenographic reporters to take down evidence before magistrates, and fixing their salaries, fees, expenses and other forms of remuneration;
- (e) defining the classes of cases in which a stenographic reporter may be employed and the terms and conditions of their employment, and providing for the remuneration of stenographic reporters by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case, or partly by the one method and partly by the other, and where the remuneration is made payable by the municipal corporation, providing for the allowance of a charge for stenographic reporting as part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (f) prescribing the duties of the senior magistrate for the City of Toronto;
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. R.S.O. 1950, c. 219, s. 24, *amended*. Idem

**22.** *The Magistrates Act* and *The Magistrates Act, 1934* are repealed. Rev. Stat.,  
c. 219;  
1934, c. 28,  
repealed

**23.** This Act comes into force on the 1st day of May, 1952. Commence-  
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**24.** This Act may be cited as *The Magistrates Act, 1952*. Short  
title

BILL

The Magistrates Act, 1952

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*1st Reading*

February 22nd, 1952

*2nd Reading*

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MR. PORTER

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*(Reprinted for consideration by the Committee  
of the Whole House)*



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Magistrates Act, 1952**

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MR. PORTER

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# BILL

## The Magistrates Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

(a) "Inspector" means Inspector of Legal Offices;

(b) "magistrate" includes deputy magistrate. R.S.O. 1950, c. 219, s. 1, *amended*.

2. The Lieutenant-Governor in Council may appoint magistrates. R.S.O. 1950, c. 219, s. 2 (1).

Appoint-  
ment

3.—(1) Except as provided in subsection 2, magistrates shall hold office during pleasure.

Tenure of  
office

(2) A magistrate who has held office for two years may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if,

Idem

(a) the circumstances respecting the misbehaviour or inability are first inquired into; and

(b) the magistrate is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(3) The Lieutenant-Governor in Council, for the purpose of making an inquiry under subsection 2, may appoint one or more judges of the Supreme Court to make such inquiry and to report thereon, and a judge so appointed shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Appoint-  
ment of  
judge to  
inquire

Rev. Stat.,  
c. 308

Order to  
be laid  
before  
Assembly

(4) Where a magistrate is removed from office under this section, the order effecting the removal and all reports, evidence and correspondence relating thereto shall be laid before the Assembly by the Attorney-General within the first fifteen days of the next ensuing session.

Application  
of subss.  
2, 3, 4

(5) Subsections 2, 3 and 4 do not apply to deputy magistrates. R.S.O. 1950, c. 219, s. 4, *amended*.

Retire-  
ment

4.—(1) Except as provided in subsection 2, magistrates shall cease to hold office upon attaining the age of seventy years.

Idem

(2) Magistrates holding office on the 1st day of July, 1941, shall cease to hold office upon attaining the age of seventy-five years. R.S.O. 1950, c. 219, s. 3.

Idem

Rev. Stat.,  
c. 317

(3) Notwithstanding anything in this Act or in section 34 of *The Public Service Act*, either the provisions of this Act or of *The Public Service Act* as to retirement age, as he may elect, shall apply to any magistrate appointed before this Act comes into force.

Idem

(4) Notwithstanding anything in this Act or in section 34 of *The Public Service Act*, the provisions of *The Public Service Act* as to retirement age shall apply to magistrates appointed after this Act comes into force. *New*.

Re-appoint-  
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Sworn before me, etc.

Rev. Stat.,  
c. 311

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(2) Unless authorized by the Lieutenant-Governor in Council, a magistrate shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as magistrate. R.S.O. 1950, c. 219, s. 11. Prohibition as to engaging in other occupation

12. Every judge and deputy judge of a juvenile court is *ex officio* a magistrate but shall act as such only when so directed by the Attorney-General. R.S.O. 1950, c. 219, s. 13. Judges of juvenile courts are magistrates

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Accounts  
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audited  
Rev. Stat.,  
c. 5

**17.** The accounts relating to the salaries and expenses of magistrates shall be audited under *The Administration of Justice Expenses Act*. R.S.O. 1950, c. 219, s. 21.

Disposal  
of fees

**18.—**(1) Except in the case of a magistrate assigned to a city, every magistrate shall pay over the fees earned by him to the Treasurer of Ontario.

Idem

(2) Every magistrate assigned to a city shall pay over the fees earned by him to the treasurer of the city. *New*.

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for  
expenses

**19.** Except in the case of a magistrate assigned to a city, every magistrate, from the total amount of the moneys coming into his hands that would otherwise accrue to the treasurer of a municipality, shall deduct and pay such clerical, stationery, rent and other expenses of his court and office as are approved by the Inspector, and shall pay two-fifths of the balance of such moneys to the Treasurer of Ontario. R.S.O. 1950, c. 219, s. 15 (2).

City  
magistrates

**20.—**(1) The Attorney-General may assign one or more magistrates to a city. R.S.O. 1950, c. 219, s. 8 (1), *amended*.

Senior  
magistrate,  
Toronto

(2) The Attorney-General may designate one of the magistrates assigned to the City of Toronto as senior magistrate for that city. R.S.O. 1950, c. 219, s. 22 (2).

Reimburse-  
ment of  
Province

(3) Where a magistrate is assigned to a city, an amount equal to the amount of his salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance that is paid in the first instance by the Province shall be paid quarterly by the city to the Treasurer of Ontario, and if the assignment is for part time only the amount to be paid under this subsection shall be fixed by the Lieutenant-Governor in Council. *New*.

Accommoda-  
tion, etc.

(4) Where a magistrate is assigned to a city, the city shall provide such court room, office, furniture, equipment, supplies, stationery, interpreters and clerical assistance for the magistrate as the Inspector thinks appropriate. R.S.O. 1950, c. 219, ss. 20, 23, *amended*.

Super-  
annuation  
Rev. Stat.,  
c. 317

(5) Where a magistrate who is assigned to a city and who is not entitled to a superannuation allowance under *The Public Service Act* attains retirement age and is retired, the city may provide for the payment to him during his lifetime of an annual sum by way of superannuation allowance. R.S.O. 1950, c. 219, s. 6.

Regula-  
tions

**21.—**(1) The Lieutenant-Governor in Council may make regulations,



- (a) fixing the period and manner in which the moneys coming into their hands are to be paid over by magistrates;
- (b) specifying the returns to be made by magistrates;
- (c) providing for the safe-keeping and inspection of the books and accounts of magistrates;
- (d) providing for the appointment and employment of stenographic reporters to take down evidence before magistrates, and fixing their salaries, fees, expenses and other forms of remuneration;
- (e) defining the classes of cases in which a stenographic reporter may be employed and the terms and conditions of their employment, and providing for the remuneration of stenographic reporters by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case, or partly by the one method and partly by the other, and where the remuneration is made payable by the municipal corporation, providing for the allowance of a charge for stenographic reporting as part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (f) prescribing the duties of the senior magistrate for the City of Toronto;
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. R.S.O. 1950, c. 219, s. 24, *amended*.

**22.** *The Magistrates Act* and *The Magistrates Act, 1934* Rev. Stat., c. 219; 1934, c. 28, repealed are repealed.

**23.** This Act comes into force on the 1st day of May, 1952. Commencement

**24.** This Act may be cited as *The Magistrates Act, 1952*. Short title

BILL

The Magistrates Act, 1952

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

April 3rd, 1952

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MR. PORTER

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No. 45

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Registry Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



#### EXPLANATORY NOTES

SECTION 1. The present office hours of registry offices are generally speaking from 10 a.m. until 4 p.m. except on Saturdays when they close at 1 p.m. The re-enactment provides for the five-day week throughout the year in registry offices.

SECTION 2. Section 18 prohibited the use of ink in registry offices other than by employees and is repealed as obsolete.

SECTION 3. Subsection 8 of section 21 sets out what is to be recorded in the general register. The amendment provides that orders made under *The Mental Incompetency Act* shall also be recorded in the general register.

# BILL

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 16, re-enacted

16. Except on Saturdays and holidays, every registry office shall be kept open from 9.30 a.m. until 4.30 p.m., and no instrument shall be registered on any Saturday or holiday, nor shall any instrument be received for registration except within those hours. Office hours

2. Section 18 of *The Registry Act* is repealed. Rev. Stat., c. 336, s. 18, repealed

3. Subsection 8 of section 21 of *The Registry Act* is amended by inserting after the word "description" in the sixth line the words "and orders made under *The Mental Incompetency Act*", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 21, subs. 8, amended

(8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment, or orders of any court removing or appointing executors, administrators, guardians or trustees, and powers of attorney in which there is a general devise or power affecting land without local description, and orders made under *The Mental Incompetency Act*, and claims for lien under *The Mechanics' Lien Act* against land which constitutes the line of railway or right-of-way of a railway company, general certificates of payment of succession duties under subsection 7 of section 57, and also certificates of amalgamation of loan corporations, and where a mortgage of railway of other lands was registered prior to the 1st day of April, 1899, in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein. General register, what to be used for  
Rev. Stat., c. 230  
Rev. Stat., c. 227

Rev. Stat.,  
c. 336, s. 26  
subs. 6,  
re-enacted

4. Subsection 6 of section 26 of *The Registry Act* is repealed and the following substituted therefor:

Recopying  
of abstract  
index

- (6) When an abstract index is to be recopied, every instrument entered in the abstract index, whether ruled off or not, shall be recopied and the registrar shall carefully preserve such abstract index which shall be available for inspection as in the case of current indexes.

Rev. Stat.,  
c. 336, s. 48,  
subs. 3,  
amended.

5. Subsection 3 of section 48 of *The Registry Act* is amended by striking out the symbol and figures "\$1.50" in the third line and inserting in lieu thereof the symbol and figures "\$2.50", so that the subsection shall read as follows:

Fee on  
registration

- (3) The fee payable for registration, not including more than four distinct parcels of land having a separate heading in the abstract index, shall be \$2.50, and for each additional parcel requiring entry to be made under a separate heading in the abstract index, five cents.

Rev. Stat.,  
c. 336, s. 97,  
cl. b,  
amended

6.—(1) Clause *b* of section 97 of *The Registry Act* is amended by striking out the symbol and figure "\$3" where they occur in the first, sixteenth and eighteenth lines respectively and inserting in lieu thereof the symbol and figure "\$4" in each instance.

Rev. Stat.,  
c. 336, s. 97,  
cl. c,  
amended

(2) Clause *c* of the said section 97 is amended by striking out the figures "25" in the fifth line and inserting in lieu thereof the figures "50", by striking out the symbol and figure "\$3" in the eleventh line and inserting in lieu thereof the symbol and figure "\$5" and by striking out the figures "25" in the sixteenth line and inserting in lieu thereof the figures "50".

Rev. Stat.,  
c. 336, s. 97,  
cl. d,  
amended

(3) Clause *d* of the said section 97 is amended by striking out the figures "25" in the fourth line and inserting in lieu thereof the figures "50" and by striking out the symbol and figure "\$1" in the seventh line and inserting in lieu thereof the symbol and figure "\$2".

Rev. Stat.,  
c. 336, s. 97,  
cl. e,  
amended

(4) Clause *e* of the said section 97 is amended by striking out the figures "25" in the third line and inserting in lieu thereof the figures "50".

Commence-  
ment

7. This Act comes into force on the 1st day of May, 1952.

Short title

8. This Act may be cited as *The Registry Amendment Act, 1952*.

SECTION 4. At present, when an abstract index is recopied, instruments ruled off and instruments registered forty years or more before the date of commencement of recopying are not recopied. The re-enactment provides that all instruments entered in the abstract index must be recopied.

SECTIONS 5 and 6. The amendments increase the fees to be paid to registrars,

- (a) for registration of a mortgage or assignment of a mortgage from \$1.50 to \$2.50;
- (b) for registration of a deed from \$3 to \$4;
- (c) for searches on title from 25 cents to 50 cents with the maximum fee for a search of any lot from \$3 to \$5; and
- (d) for searches of the alphabetical index of names from 25 cents to 50 cents with the maximum fee for a search from \$1 to \$2.





An Act to amend The Registry Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

---



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Registry Act**

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTES

SECTION 1. The present office hours of registry offices are generally speaking from 10 a.m. until 4 p.m. except on Saturdays when they close at 1 p.m. The re-enactment provides for the five-day week throughout the year in registry offices.

SECTION 2. Section 18 prohibited the use of ink in registry offices other than by employees and is repealed as obsolete.

SECTION 3. Subsection 8 of section 21 sets out what is to be recorded in the general register. The amendment provides that orders made under *The Mental Incompetency Act* shall also be recorded in the general register.

# BILL

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 16, re-enacted

16. Except on Saturdays and holidays when they shall be closed, every registry office shall be kept open from 9.30 a.m. until 4.30 p.m., and no instrument shall be registered on any Saturday or holiday, nor shall any instrument be received for registration except within those hours. Office hours

2. Section 18 of *The Registry Act* is repealed.

Rev. Stat., c. 336, s. 18, repealed

3. Subsection 8 of section 21 of *The Registry Act* is amended by inserting after the word "description" in the sixth line the words "and orders made under *The Mental Incompetency Act*", so that the subsection shall read as follows: Rev. Stat., c. 336, s. 21, subs. 8, amended

(8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment, or orders of any court removing or appointing executors, administrators, guardians or trustees, and powers of attorney in which there is a general devise or power affecting land without local description, and orders made under *The Mental Incompetency Act*, and claims for lien under *The Mechanics' Lien Act* against land which constitutes the line of railway or right-of-way of a railway company, general certificates of payment of succession duties under subsection 7 of section 57, and also certificates of amalgamation of loan corporations, and where a mortgage of railway or other lands was registered prior to the 1st day of April, 1899, in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein. General register, what to be used for

Rev. Stat., c. 230

Rev. Stat., c. 227

Rev. Stat.,  
c. 336, s. 26  
subs. 6,  
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4. Subsection 6 of section 26 of *The Registry Act* is repealed and the following substituted therefor:

Recopying  
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- (6) When an abstract index is to be recopied, every instrument entered in the abstract index, whether ruled off or not, shall be recopied and the registrar shall carefully preserve such abstract index which shall be available for inspection as in the case of current indexes.

Rev. Stat.,  
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subs. 3,  
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5. Subsection 3 of section 48 of *The Registry Act* is amended by striking out the symbol and figures "\$1.50" in the third line and inserting in lieu thereof the symbol and figures "\$2.50", so that the subsection shall read as follows:

Fee on  
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- (3) The fee payable for registration, not including more than four distinct parcels of land having a separate heading in the abstract index, shall be \$2.50, and for each additional parcel requiring entry to be made under a separate heading in the abstract index, five cents.

Rev. Stat.,  
c. 336, s. 97,  
cl. b,  
amended

6.—(1) Clause *b* of section 97 of *The Registry Act* is amended by striking out the symbol and figure "\$3" where they occur in the first, sixteenth and eighteenth lines respectively and inserting in lieu thereof the symbol and figure "\$4" in each instance.

Rev. Stat.,  
c. 336, s. 97,  
cl. c,  
amended

(2) Clause *c* of the said section 97 is amended by striking out the figures "25" in the fifth line and inserting in lieu thereof the figures "50", by striking out the symbol and figure "\$3" in the eleventh line and inserting in lieu thereof the symbol and figure "\$5" and by striking out the figures "25" in the sixteenth line and inserting in lieu thereof the figures "50".

Rev. Stat.,  
c. 336, s. 97,  
cl. d,  
amended

(3) Clause *d* of the said section 97 is amended by striking out the figures "25" in the fourth line and inserting in lieu thereof the figures "50" and by striking out the symbol and figure "\$1" in the seventh line and inserting in lieu thereof the symbol and figure "\$2".

Rev. Stat.,  
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amended

(4) Clause *e* of the said section 97 is amended by striking out the figures "25" in the third line and inserting in lieu thereof the figures "50".

Commence-  
ment

7. This Act comes into force on the 1st day of May, 1952.

Short title

8. This Act may be cited as *The Registry Amendment Act, 1952*.

SECTION 4. At present, when an abstract index is recopied, instruments ruled off and instruments registered forty years or more before the date of commencement of recopying are not recopied. The re-enactment provides that all instruments entered in the abstract index must be recopied.

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An Act to amend 'The Registry Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

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MR. PORTER

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(Reprinted as amended by the Committee on  
Legal Bills)

No. 45

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Registry Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Registry Act

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1. Section 16 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 336, s. 16,  
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16. Except on Saturdays and holidays when they shall be closed, every registry office shall be kept open from 9.30 a.m. until 4.30 p.m., and no instrument shall be registered on any Saturday or holiday, nor shall any instrument be received for registration except within those hours. Office hours

2. Section 18 of *The Registry Act* is repealed. Rev. Stat.,  
c. 336, s. 18,  
repealed

3. Subsection 8 of section 21 of *The Registry Act* is amended by inserting after the word "description" in the sixth line the words "and orders made under *The Mental Incompetency Act*", so that the subsection shall read as follows: Rev. Stat.,  
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subs. 8,  
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(8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment, or orders of any court removing or appointing executors, administrators, guardians or trustees, and powers of attorney in which there is a general devise or power affecting land without local description, and orders made under *The Mental Incompetency Act*, and claims for lien under *The Mechanics' Lien Act* against land which constitutes the line of railway or right-of-way of a railway company, general certificates of payment of succession duties under subsection 7 of section 57, and also certificates of amalgamation of loan corporations, and where a mortgage of railway or other lands was registered prior to the 1st day of April, 1899, in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein. General  
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Rev. Stat.,  
c. 230  
  
Rev. Stat.,  
c. 227

Rev. Stat.,  
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4. Subsection 6 of section 26 of *The Registry Act* is repealed and the following substituted therefor:

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Rev. Stat.,  
c. 336, s. 48,  
subs. 3,  
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- (3) The fee payable for registration, not including more than four distinct parcels of land having a separate heading in the abstract index, shall be \$2.50, and for each additional parcel requiring entry to be made under a separate heading in the abstract index, five cents.

Rev. Stat.,  
c. 336, s. 97,  
cl. b,  
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6.—(1) Clause *b* of section 97 of *The Registry Act* is amended by striking out the symbol and figure "\$3" where they occur in the first, sixteenth and eighteenth lines respectively and inserting in lieu thereof the symbol and figure "\$4" in each instance.

Rev. Stat.,  
c. 336, s. 97,  
cl. c,  
amended

(2) Clause *c* of the said section 97 is amended by striking out the figures "25" in the fifth line and inserting in lieu thereof the figures "50", by striking out the symbol and figure "\$3" in the eleventh line and inserting in lieu thereof the symbol and figure "\$5" and by striking out the figures "25" in the sixteenth line and inserting in lieu thereof the figures "50".

Rev. Stat.,  
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(3) Clause *d* of the said section 97 is amended by striking out the figures "25" in the fourth line and inserting in lieu thereof the figures "50" and by striking out the symbol and figure "\$1" in the seventh line and inserting in lieu thereof the symbol and figure "\$2".

Rev. Stat.,  
c. 336, s. 97,  
cl. e,  
amended

(4) Clause *e* of the said section 97 is amended by striking out the figures "25" in the third line and inserting in lieu thereof the figures "50".

Commence-  
ment

7. This Act comes into force on the 1st day of May, 1952.

Short title

8. This Act may be cited as *The Registry Amendment Act, 1952*.









BILL

An Act to amend The Registry Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

March 25th, 1952

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MR. PORTER

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No. 46

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Surrogate Courts Act

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MR. PORTER

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

This section provides for the five-day week throughout the year in surrogate court offices.

At the present time the office hours are the same as those of county court offices and Supreme Court offices (O.Reg. 114/50, Rule 69).

No. 46

1952

# BILL

## An Act to amend The Surrogate Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Surrogate Courts Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 380,  
amended

**15a.** Except on Saturdays and holidays, every surrogate court office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

**2.** This Act comes into force on the 1st day of May, 1952. Commence-  
ment

**3.** This Act may be cited as *The Surrogate Courts Amendment Act, 1952*. Short title

An Act to amend The Surrogate  
Courts Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

**An Act to amend The Surrogate Courts Act**

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*



#### EXPLANATORY NOTE

This section provides for the five-day week throughout the year in surrogate court offices.

At the present time the office hours are the same as those of county court offices and Supreme Court offices (O.Reg. 114/50, Rule 69).

No. 46

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# BILL

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open from 9.30 a.m. until 4.30 p.m.

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ment

3. This Act may be cited as *The Surrogate Courts Amend-* Short title  
*ment Act, 1952.*

BILL

An Act to amend The Surrogate  
Courts Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Surrogate Courts Act**

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MR. PORTER

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No. 46

1952

# BILL

## An Act to amend The Surrogate Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Surrogate Courts Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 380,  
amended

15a. Except on Saturdays and holidays when they shall be closed, every surrogate court office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

**2.** This Act comes into force on the 1st day of May, 1952. Commence-  
ment

**3.** This Act may be cited as *The Surrogate Courts Amendment Act, 1952.* Short title

An Act to amend The Surrogate  
Courts Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

March 25th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Vocational  
Education Act**

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MR. DUNLOP

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#### EXPLANATORY NOTES

SECTION 1. These amendments are to make it clear that the definition of "board" and certain other definitions presently in the Act do not apply to provincial technical and polytechnical institutes.

SECTION 2. This amendment clarifies the provisions respecting admission to special industrial schools and authorizes the school board in certain circumstances to require pupils to attend such schools.

No. 47

1952

# BILL

## An Act to amend The Vocational Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Vocational Education Act* is amended by striking out the words “this Act” in the first line and inserting in lieu thereof the word and figure “Part I”, so that the section, exclusive of the clauses, shall read as follows:

1. In Part I,

Interpre-  
tation

. . . . .

(2) The said section 1 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 413, s. 1,  
amended

Idem

(2) In Part II,

(a) “Minister” means Minister of Education;

(b) “regulations” means regulations made under *The Department of Education Act* or this Act.

Rev. Stat.,  
c. 94

2. Subsection 3 of section 5 of *The Vocational Education Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 413, s. 5,  
subs. 3,  
re-enacted

(3) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special industrial schools established by a board for the purpose of giving vocational education to such pupils.

Admission to  
special  
industrial  
schools

Compulsory  
attendance

(3a) Subject to the regulations, a resident pupil,

Rev. Stat.,  
cc. 347, 6

(a) who is required to attend school under *The School Attendance Act* or *The Adolescent School Attendance Act*; and

(b) in respect of whom a recommendation that he attend a special industrial school established by the school board has been made and approved under subsection 3,

may be required by the school board to attend such special industrial school, and shall be exempt from the payment of fees.

Rev. Stat.,  
c. 413, s. 21,  
cl. 2,  
repealed

3. Clause *e* of section 21 of *The Vocational Education Act* is repealed.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Vocational Education Amendment Act, 1952*.

SECTION 3. The repealed clause authorized the making of regulations empowering the principal of a provincial technical or polytechnical institute to appoint the secretary of the board of the institute.







An Act to amend The Vocational  
Education Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

---

MR. DUNLOP

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Vocational  
Education Act**

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MR. DUNLOP

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# BILL

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1.—(1) Section 1 of *The Vocational Education Act* is Rev. Stat., c. 413, s. 1, amended amended by striking out the words "this Act" in the first line and inserting in lieu thereof the word and figure "Part I", so that the section, exclusive of the clauses, shall read as follows:

1. In Part I,

Interpre-  
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. . . . .

(2) The said section 1 is further amended by adding thereto Rev. Stat., c. 413, s. 1, amended the following subsection:

Idem

(2) In Part II,

(a) "Minister" means Minister of Education;

(b) "regulations" means regulations made under *The Department of Education Act* or this Act. Rev. Stat., c. 94

2. Subsection 3 of section 5 of *The Vocational Education Act* is repealed and the following substituted therefor: Rev. Stat., c. 413, s. 5, subs. 3, re-enacted

(3) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special industrial schools established by a board for the purpose of giving vocational education to such pupils. Admission to special industrial schools

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Rev. Stat.,  
cc. 347, 6

(a) who is required to attend school under *The School Attendance Act* or *The Adolescent School Attendance Act*; and

(b) in respect of whom a recommendation that he attend a special industrial school established by the school board has been made and approved under subsection 3,

may be required by the school board to attend such special industrial school, and shall be exempt from the payment of fees.

Rev. Stat.,  
c. 413, s. 21,  
cl. e,  
repealed

3. Clause *e* of section 21 of *The Vocational Education Act* is repealed.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Vocational Education Amendment Act, 1952*.









An Act to amend The Vocational  
Education Act

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*1st Reading*

February 22nd, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

April 1st, 1952

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MR. DUNLOP

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No. 48

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Parole Act**

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MR. FOOTE

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TORONTO

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#### EXPLANATORY NOTE

This bill effects three changes:

1. The chief parole officer becomes the chief parole and rehabilitation officer and the parole officers become parole and rehabilitation officers.
2. The maximum number of Board of Parole members is increased from six to nine.
3. The present power to make regulations under the Act is vested in the Board of Parole subject to the approval of the Lieutenant-Governor in Council. The bill transfers this power to the Lieutenant-Governor in Council.

# BILL

## An Act to amend The Parole Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Parole Act* is amended by inserting after the word "parole" where it occurs the first and second times the words "and rehabilitation", so that the clause shall read as follows: Rev. Stat., c. 268, s. 1, cl. b, amended

(b) "parole and rehabilitation officer" includes the chief parole and rehabilitation officer.

2. Section 2 of *The Parole Act* is amended by striking out the word "six" in the second line and inserting in lieu thereof the word "nine", so that the section shall read as follows: Rev. Stat., c. 268, s. 2, amended

2. The Board of Parole heretofore constituted is continued and shall be composed of not more than nine persons appointed by the Lieutenant-Governor in Council. Constitution of Board

3. Section 4 of *The Parole Act* is amended by inserting after the word "parole" where it occurs the first and second times in the second line the words "and rehabilitation", so that the section shall read as follows: Rev. Stat., c. 268, s. 4, amended

4. The Lieutenant-Governor in Council may appoint a secretary of the Board, a chief parole and rehabilitation officer and such parole and rehabilitation officers as he may deem necessary. Secretary, officers

4.—(1) Subsection 1 of section 5 of *The Parole Act* is amended by inserting after the word "parole" in the second line the words "and rehabilitation", so that the subsection shall read as follows: Rev. Stat., c. 268, s. 5, subs. 1, amended

(1) The chairman of the Board, the secretary and the parole and rehabilitation officers may be paid such salary as may be determined by the Lieutenant-Governor in Council. Salaries

Rev. Stat.,  
c. 268, s. 5,  
subs. 3,  
amended

(2) Subsection 3 of the said section 5 is amended by inserting after the word "parole" in the second line the words "and rehabilitation", so that the subsection shall read as follows:

Travelling  
and living  
expenses

(3) The chairman and members of the Board, the secretary and the parole and rehabilitation officers shall be entitled to reasonable and necessary travelling and living expenses while absent from home on the business of the Board as certified by the chairman of the Board.

Rev. Stat.,  
c. 268, s. 7,  
amended

5. Section 7 of *The Parole Act* is amended by inserting after the word "parole" in the fourth line the words "and rehabilitation", so that the section shall read as follows:

Re-taking  
prisoners  
on breach of  
conditions  
of parole

7. In the case of prisoners referred to in subclause i of clause c of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by a parole and rehabilitation officer or by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled.

Rev. Stat.,  
c. 268, s. 12,  
subs. 1,  
amended

6. Subsection 1 of section 12 of *The Parole Act* is amended by striking out the first two lines and inserting in lieu thereof the words "The Lieutenant-Governor in Council may make regulations" and by inserting after the word "parole" where it occurs the first and second times in the second line of clause a the words "and rehabilitation", so that the first two lines and clause a shall read as follows:

Regulations

(1) The Lieutenant-Governor in Council may make regulations,

(a) defining the duties, powers and responsibilities of the Board, the chief parole and rehabilitation officer, parole and rehabilitation officers and the secretary of the Board.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Parole Amendment Act, 1952*.









An Act to amend The Parole Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

*3rd Reading*

---

MR. FOOTE

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Parole Act**

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MR. FOOTE

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No. 48

1952

# BILL

## An Act to amend The Parole Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Parole Act* is amended by Rev. Stat., c. 268, s. 1, cl. *b*, amended inserting after the word "parole" where it occurs the first and second times the words "and rehabilitation", so that the clause shall read as follows:

(b) "parole and rehabilitation officer" includes the chief parole and rehabilitation officer.

2. Section 2 of *The Parole Act* is amended by striking out Rev. Stat., c. 268, s. 2, amended the word "six" in the second line and inserting in lieu thereof the word "nine", so that the section shall read as follows:

2. The Board of Parole heretofore constituted is con- Constitu- tion of Board tinued and shall be composed of not more than nine persons appointed by the Lieutenant-Governor in Council.

3. Section 4 of *The Parole Act* is amended by inserting Rev. Stat., c. 268, s. 4, amended after the word "parole" where it occurs the first and second times in the second line the words "and rehabilitation", so that the section shall read as follows:

4. The Lieutenant-Governor in Council may appoint Secretary, officers a secretary of the Board, a chief parole and rehabilitation officer and such parole and rehabilitation officers as he may deem necessary.

4.—(1) Subsection 1 of section 5 of *The Parole Act* is Rev. Stat., c. 268, s. 5, subs. 1, amended amended by inserting after the word "parole" in the second line the words "and rehabilitation", so that the subsection shall read as follows:

(1) The chairman of the Board, the secretary and the Salaries parole and rehabilitation officers may be paid such salary as may be determined by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 268, s. 5,  
subs. 3,  
amended

(2) Subsection 3 of the said section 5 is amended by inserting after the word "parole" in the second line the words "and rehabilitation", so that the subsection shall read as follows:

Travelling  
and living  
expenses

(3) The chairman and members of the Board, the secretary and the parole and rehabilitation officers shall be entitled to reasonable and necessary travelling and living expenses while absent from home on the business of the Board as certified by the chairman of the Board.

Rev. Stat.,  
c. 268, s. 7,  
amended

5. Section 7 of *The Parole Act* is amended by inserting after the word "parole" in the fourth line the words "and rehabilitation", so that the section shall read as follows:

Re-taking  
prisoners  
on breach of  
conditions  
of parole

7. In the case of prisoners referred to in subclause i of clause c of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by a parole and rehabilitation officer or by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled.

Rev. Stat.,  
c. 268, s. 12,  
subs. 1,  
amended

6. Subsection 1 of section 12 of *The Parole Act* is amended by striking out the first two lines and inserting in lieu thereof the words "The Lieutenant-Governor in Council may make regulations" and by inserting after the word "parole" where it occurs the first and second times in the second line of clause a the words "and rehabilitation", so that the first two lines and clause a shall read as follows:

Regulations

(1) The Lieutenant-Governor in Council may make regulations,

(a) defining the duties, powers and responsibilities of the Board, the chief parole and rehabilitation officer, parole and rehabilitation officers and the secretary of the Board.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Parole Amendment Act, 1952*.









An Act to amend The Parole Act

---

*1st Reading*

February 22nd, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

April 1st, 1952

---

MR. FOOTE

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Interpretation Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. *The Interpretation Act* provides that Acts of the Legislature must be judicially noticed and need not be specially pleaded. This principle is now extended to proclamations of the Lieutenant-Governor.

SECTION 2. This amendment is complementary to the establishment of the 5-day week throughout the year by current amendments to *The Judicature Act*, *The County Courts Act*, *The Surrogate Courts Act*, *The Division Courts Act*, *The Registry Act*, *The Land Titles Act* and *The Sheriffs Act*.

# BILL

## An Act to amend The Interpretation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Interpretation Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 184, s. 7,  
amended

(2) Every proclamation issued by the Lieutenant-Idem Governor shall be judicially noticed by all judges, justices of the peace, and others, without being specially pleaded.

2. Section 28 of *The Interpretation Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 184, s. 28,  
amended

(hh) where the time limited for any proceeding or for the doing of any thing in any office of a local registrar of the Supreme Court, or any office of the Supreme Court at Osgoode Hall, or any county or district court office, or any surrogate court office, or any division court office, or any registry office, or any land titles office, or any sheriff's office expires or falls upon a Saturday, the time so limited shall extend to and the thing may be done on the day next following which is not a holiday. computation  
of time where  
time limited  
expires on  
a holiday

3. Section 2 comes into force on the 1st day of May, 1952. Commence-  
ment

4. This Act may be cited as *The Interpretation Amendment Act, 1952*. Short title



An Act to amend The Interpretation Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 49

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Interpretation Act

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MR. PORTER

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TORONTO  
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No. 49

1952

# BILL

## An Act to amend The Interpretation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Interpretation Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 184, s. 7,  
amended

(2) Every proclamation issued by the Lieutenant-Governor shall be judicially noticed by all judges, justices of the peace, and others, without being specially pleaded. Idem

2. Section 28 of *The Interpretation Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 184, s. 28,  
amended

(hh) where the time limited for any proceeding or for the doing of any thing in any office of a local registrar of the Supreme Court, or any office of the Supreme Court at Osgoode Hall, or any county or district court office, or any surrogate court office, or any division court office, or any registry office, or any land titles office, or any sheriff's office expires or falls upon a Saturday, the time so limited shall extend to and the thing may be done on the day next following which is not a holiday. computation  
of time where  
time limited  
expires on  
a Saturday

3. Section 2 comes into force on the 1st day of May, 1952. Commence-  
ment

4. This Act may be cited as *The Interpretation Amendment Act, 1952*. Short title

An Act to amend The Interpretation Act

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*1st Reading*

February 26th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

April 1st, 1952

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MR. PORTER

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No. 50

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Land Titles Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. At present title to land adverse to the title of the registered owner cannot be acquired by a length of possession. The section as amended will also prohibit the acquisition of any right or interest in land by a length of possession.

SECTION 2. At present certain cautions expire after five years and others continue indefinitely. The amendment is designed to have all cautions expire at the end of five years unless renewed within that time. Power is also given to the proper master of titles to remove the entry from the register after the caution expires.

SECTION 3. At present there is no means other than by complicated and expensive procedure to remove conditions and covenants from the register after the period for which they are annexed to land has expired. Section 3 is designed to remedy this situation.



# BILL

## An Act to amend The Land Titles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after the word "to" where it occurs the first time in the first line the words "or any right or interest in", so that the subsection shall read as follows: Rev. Stat., c. 197, s. 28, subs. 1, amended

(1) A title to or any right or interest in any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession. No title by adverse possession

2. Subsections 4 and 5 of section 74 of *The Land Titles Act* are repealed and the following substituted therefor: Rev. Stat., c. 197, s. 74, subss. 4, 5, re-enacted

(4) Every caution heretofore or hereafter lodged under this section shall cease to have effect five years from the date of lodging the caution unless renewed within that time, and every caution lodged five years or more before the 1st day of May, 1952, unless renewed before the 1st day of May, 1953, shall cease to have effect on and after the 1st day of May, 1953. Renewal and expiration of caution

(5) No renewal shall be lodged unless it is established to the satisfaction of the proper master of titles that proper proceedings in a court of competent jurisdiction have been taken and are being duly prosecuted to establish the title to the estate or interest upon which the caution is founded. Condition to renewal

(6) When any caution ceases to have effect under subsection 1 the proper master of titles may remove the entry from the register. Removal from register

3. Section 101 of *The Land Titles Act* is amended by adding thereto the following subsection: Rev. Stat., c. 197, s. 101, amended

Removal of  
entry of  
condition or  
covenant  
from register

- (5) Where a condition or covenant has been entered on the register as annexed to or running with land for a fixed period and the period has expired, the proper master of titles may, at any time after ten years from the expiration of the period, remove the entry from the register.

Rev. Stat.,  
c. 197,  
amended

4. *The Land Titles Act* is amended by adding thereto the following section:

Office hours

- 134a. Except on Saturdays and holidays, every land titles office shall be kept open from 9.30 a.m. until 4.30 p.m.

Commence-  
ment

5. This Act comes into force on the 1st day of May, 1952.

Short title

6. This Act may be cited as *The Land Titles Amendment Act, 1952*.

SECTION 4. Self-explanatory.





An Act to amend The Land Titles Act

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*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

---

Mr. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Land Titles Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

SECTION 1. At present title to land adverse to the title of the registered owner cannot be acquired by a length of possession. The section as amended will also prohibit the acquisition of any right or interest in land by a length of possession.

SECTION 2. At present certain cautions expire after five years and others continue indefinitely. The amendment is designed to have all cautions expire at the end of five years unless renewed within that time subject to notice being given to the cautioner by the proper master of titles. Power is also given to the proper master of titles to remove the entry from the register after the caution expires.

# BILL

## An Act to amend The Land Titles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after the word "to" where it occurs the first time in the first line the words "or any right or interest in", so that the subsection shall read as follows: Rev. Stat.,  
c. 197, s. 28,  
subs. 1,  
amended

(1) A title to or any right or interest in any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession. No title by  
adverse  
possession

2. Subsections 4 and 5 of section 74 of *The Land Titles Act* are repealed and the following substituted therefor: Rev. Stat.,  
c. 197, s. 74,  
subss. 4, 5,  
re-enacted

(4) Every caution heretofore or hereafter lodged under this section shall cease to have effect five years from the date of lodging the caution unless renewed within that time, and every caution lodged five years or more before the 1st day of May, 1952, unless renewed before the 1st day of May, 1953, shall cease to have effect on and after the 1st day of May, 1953. Renewal and  
expiration  
of caution

(5) Subsection 4 shall not apply unless, at least thirty days before the caution ceases to have effect, the proper master of titles sends to the cautioner by registered mail a notice warning him that his caution will cease to have effect unless renewed. Notice

(6) If a notice is not sent as required by subsection 5, the proper master of titles may, at any later time, send to the cautioner by registered mail a notice warning him that his caution will cease to have effect after the expiration of thirty days from the receipt of the notice unless renewed within that period, and if the caution is not renewed within that period, it shall cease to have effect. Idem

Removal  
from register

- (7) When a caution ceases to have effect, the proper master of titles may remove the entry from the register.

Rev. Stat.,  
c. 197, s. 101,  
amended

3. Section 101 of *The Land Titles Act* is amended by adding thereto the following subsection:

Removal of  
entry of  
condition or  
covenant  
from register

- (5) Where a condition or covenant has been entered on the register as annexed to or running with land for a fixed period and the period has expired, the proper master of titles may, at any time after ten years from the expiration of the period, remove the entry from the register.

Rev. Stat.,  
c. 197,  
amended

4. *The Land Titles Act* is amended by adding thereto the following section:

Office hours

- 134a. Except on Saturdays and holidays when they shall be closed, every land titles office shall be kept open from 9.30 a.m. until 4.30 p.m.

Commence-  
ment

5. This Act comes into force on the 1st day of May, 1952.

Short title

6. This Act may be cited as *The Land Titles Amendment Act, 1952*.

SECTION 3. At present there is no means other than by complicated and expensive procedure to remove conditions and covenants from the register after the period for which they are annexed to land has expired. Section 3 is designed to remedy this situation.

SECTION 4. Self-explanatory.





BILL

An Act to amend The Land Titles Act

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*1st Reading*

February 26th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee  
on Legal Bills)*



No. 50

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Land Titles Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 50

1952

# BILL

## An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after the word "to" where it occurs the first time in the first line the words "or any right or interest in", so that the subsection shall read as follows: Rev. Stat., c. 197, s. 28, subs. 1, amended

(1) A title to or any right or interest in any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession. No title by adverse possession

2. Subsections 4 and 5 of section 74 of *The Land Titles Act* are repealed and the following substituted therefor: Rev. Stat., c. 197, s. 74, subs. 4, 5, re-enacted

(4) Every caution heretofore or hereafter lodged under this section shall cease to have effect five years from the date of lodging the caution unless renewed within that time, and every caution lodged five years or more before the 1st day of May, 1952, unless renewed before the 1st day of May, 1953, shall cease to have effect on and after the 1st day of May, 1953. Renewal and expiration of caution

(5) Subsection 4 shall not apply unless, at least thirty days before the caution ceases to have effect, the proper master of titles sends to the cautioner by registered mail a notice warning him that his caution will cease to have effect unless renewed. Notice

(6) If a notice is not sent as required by subsection 5, the proper master of titles may, at any later time, send to the cautioner by registered mail a notice warning him that his caution will cease to have effect after the expiration of thirty days from the receipt of the notice unless renewed within that period, and if the caution is not renewed within that period, it shall cease to have effect. Idem

Removal  
from register

- (7) When a caution ceases to have effect, the proper master of titles may remove the entry from the register.

Rev. Stat.,  
c. 197, s. 101,  
amended

3. Section 101 of *The Land Titles Act* is amended by adding thereto the following subsection:

Removal of  
entry of  
condition or  
covenant  
from register

- (5) Where a condition or covenant has been entered on the register as annexed to or running with land for a fixed period and the period has expired, the proper master of titles may, at any time after ten years from the expiration of the period, remove the entry from the register.

Rev. Stat.,  
c. 197,  
amended

4. *The Land Titles Act* is amended by adding thereto the following section:

Office hours

- 134a. Except on Saturdays and holidays when they shall be closed, every land titles office shall be kept open from 9.30 a.m. until 4.30 p.m.

Commence-  
ment

5. This Act comes into force on the 1st day of May, 1952.

Short title

6. This Act may be cited as *The Land Titles Amendment Act, 1952*.









An Act to amend The Land Titles Act

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*1st Reading*

February 26th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

April 3rd, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**

**An Act to repeal The Execution of  
Trusts Act, 1939**

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MR. PORTER

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#### EXPLANATORY NOTE

*The Execution of Trusts Act, 1939* facilitated the delegation of a trusteeship by a trustee on war service. It was applicable only to World War II and therefore is now spent.

In order to remove any possibility of its misinterpretation and wrong application it is expressly repealed by this Bill.

No. 51

1952

# BILL

## An Act to repeal The Execution of Trusts Act, 1939

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. *The Execution of Trusts Act, 1939* and section 12 of *The* <sup>1939</sup>  
*Statute Law Amendment Act, 1940* are repealed. <sup>(2nd Sess.),</sup>  
c. 3; 1940, c.  
28, s. 12,  
repealed
2. This Act may be cited as *The Execution of Trusts* <sup>Short title</sup>  
*Repeal Act, 1952.*

An Act to repeal The Execution of  
Trusts Act, 1939

*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

Mr. PORTER

No. 51

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to repeal The Execution of  
Trusts Act, 1939**

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MR. PORTER

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





No. 51

1952

# BILL

## An Act to repeal The Execution of Trusts Act, 1939

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. *The Execution of Trusts Act, 1939* and section 12 of *The* <sup>1939</sup>  
*Statute Law Amendment Act, 1940* are repealed. <sup>(2nd Sess.),</sup>  
<sup>c. 3; 1940, c.</sup>  
<sup>28, s. 12,</sup>  
<sup>repealed</sup>
2. This Act may be cited as *The Execution of Trusts* <sup>Short title</sup>  
*Repeal Act, 1952.*

BILL

An Act to repeal The Execution of  
Trusts Act, 1939

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*1st Reading*

February 26th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

March 27th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Dependants'**  
**Relief Act**

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MR. PORTER

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#### EXPLANATORY NOTE

SECTIONS 1 and 2. Considerable difficulty has been experienced in the courts in interpreting sections 6 and 12 of *The Dependants' Relief Act*. See *Re Martin* (1951) O.W.N. 691.

The sections are re-enacted in an attempt to remove the existing difficulties, regard being had to the comments of McRuer C.J.H.C. in the case mentioned above.

The new section 6 invokes the practice and procedure of the surrogate court.

The new section 12 is the same in principle as the corresponding section of *The Surrogate Courts Act*.

# BILL

## An Act to amend The Dependants' Relief Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 6 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat., c. 101, s. 6, re-enacted

6. Except where inconsistent with this Act, the rules of evidence observed in and the practice and procedure of the surrogate court apply to proceedings under this Act. Practice

**2.** Section 12 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat., c. 101, s. 12, re-enacted

12.—(1) Any party or person taking part in the proceedings may appeal to the Court of Appeal from any order or decision made under this Act. Appeal

(2) Where the party or person having a right of appeal does not appeal from the order or decision, the Official Guardian or any person beneficially interested in the estate by leave of a judge of the Court of Appeal may appeal therefrom. Persons interested may appeal

(3) The Official Guardian or any person beneficially interested in the estate by leave of a judge of the Court of Appeal may appear and be heard upon any appeal. Persons interested may be heard

(4) Every appeal under this Act shall be made by notice of motion served upon all parties interested within thirty days after the date of the order or decision appealed from, and when the circumstances of any case, in the opinion of a judge of the Court of Appeal so warrant, he may permit service to be effected by registered post. Manner and time of appeal

Extension  
of time

- (5) The time limited for appeal may be extended by a judge of the Court of Appeal, either before or after the expiry of the time limit.

Rules of  
court

- (6) The rules of court apply to such appeals.

Short title

- 3.** This Act may be cited as *The Dependants' Relief Amendment Act, 1952*.









An Act to amend 'The Dependants'  
Relief Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

**An Act to amend The Dependants'  
Relief Act**

---

MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTE

SECTIONS 1 and 2. Considerable difficulty has been experienced in the courts in interpreting sections 6 and 12 of *The Dependants' Relief Act*. See *Re Martin* (1951) O.W.N. 691.

The sections are re-enacted in an attempt to remove the existing difficulties, regard being had to the comments of McRuer C.J.H.C. in the case mentioned above.

The new section 6 invokes the practice and procedure of the surrogate court.

The new section 12 is the same in principle as the corresponding section of *The Surrogate Courts Act*.

# BILL

## An Act to amend The Dependants' Relief Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 101, s. 6,  
re-enacted
  6. Except where inconsistent with this Act, the rules of evidence observed in and the practice and procedure of the surrogate court apply to proceedings under this Act. Practice
2. Section 12 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 101, s. 12,  
re-enacted
  - 12.—(1) Any party or person taking part in the proceedings may appeal to the Court of Appeal from any order or decision made under this Act. Appeal
  - (2) Where the party or person having a right of appeal does not appeal from the order or decision, any person beneficially interested in the estate by leave of a judge of the Court of Appeal may appeal therefrom. Persons  
interested  
may appeal
  - (3) Any person beneficially interested in the estate by leave of a judge of the Court of Appeal may appear and be heard upon any appeal. Persons  
interested  
may be  
heard
  - (4) Every appeal under this Act shall be made by notice of motion served upon all parties interested within thirty days after the date of the order or decision appealed from, and when the circumstances of any case, in the opinion of a judge of the Court of Appeal so warrant, he may permit service to be effected by registered post. Manner and  
time of  
appeal

Extension  
of time

- (5) The time limited for appeal may be extended by a judge of the Court of Appeal, either before or after the expiry of the time limit.

Rules  
court

- (6) The rules of court apply to such appeals.

Short title

- 3.** This Act may be cited as *The Dependants' Relief Amendment Act, 1952*.









BILL

An Act to amend 'The Dependants'  
Relief Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

---

MR. PORTER

---

(Reprinted as amended by the Committee  
on Legal Bills)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Dependants'**  
**Relief Act**

---

MR. PORTER

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No. 52

1952

# BILL

## An Act to amend The Dependants' Relief Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 101, s. 6,  
re-enacted
  6. Except where inconsistent with this Act, the rules of evidence observed in and the practice and procedure of the surrogate court apply to proceedings under this Act. Practice
2. Section 12 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 101, s. 12,  
re-enacted
  - 12.—(1) Any party or person taking part in the proceedings may appeal to the Court of Appeal from any order or decision made under this Act. Appeal
  - (2) Where the party or person having a right of appeal does not appeal from the order or decision, any person beneficially interested in the estate by leave of a judge of the Court of Appeal may appeal therefrom. Persons  
interested  
may appeal
  - (3) Any person beneficially interested in the estate by leave of a judge of the Court of Appeal may appear and be heard upon any appeal. Persons  
interested  
may be  
heard
  - (4) Every appeal under this Act shall be made by notice of motion served upon all parties interested within thirty days after the date of the order or decision appealed from, and when the circumstances of any case, in the opinion of a judge of the Court of Appeal so warrant, he may permit service to be effected by registered post. Manner and  
time of  
appeal



**Extension  
of time**

- (5) The time limited for appeal may be extended by a judge of the Court of Appeal, either before or after the expiry of the time limit.

**Rules  
court**

- (6) The rules of court apply to such appeals.

**Short title**

- 3.** This Act may be cited as *The Dependants' Relief Amendment Act, 1952*.







BILL

An Act to amend 'The Dependants'  
Relief Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

April 3rd, 1952

---

MR. PORTER

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The Plant Diseases Act

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MR. KENNEDY

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#### EXPLANATORY NOTE

The meanings of the expressions "nursery" and "plant disease" are extended in the manner shown.



No. 53

1952

# BILL

## An Act to amend The Plant Diseases Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Plant Diseases Act* is <sup>Rev. Stat., c. 278, s. 1, cl. e,</sup> amended by inserting after the word “where” in the first line the words “fruit trees, fruit stock or ornamental”, so <sup>amended</sup> that the clause shall read as follows:

(e) “nursery” means any place where fruit trees, fruit stock or ornamental plants are propagated for sale.

(2) Clause *g* of the said section 1 is amended by inserting <sup>Rev. Stat., c. 278, s. 1, cl. g,</sup> after the word “disease” where it occurs the second time in the first line the words “or injury”, so that the clause shall <sup>amended</sup> read as follows:

(g) “plant disease” means any disease or injury caused by any insect, virus, fungus, bacterium or other organism which is designated a plant disease in the regulations.

2. This Act may be cited as *The Plant Diseases Amendment Act*, 1952.

An Act to amend The Plant Diseases Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

---

MR. KENNEDY

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Plant Diseases Act**

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MR. KENNEDY

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No. 53

1952

# BILL

## An Act to amend The Plant Diseases Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Plant Diseases Act* is <sup>Rev. Stat., c. 278, s. 1,</sup> amended by inserting after the word “where” in the first <sup>cl. *e*,</sup> line the words “fruit trees, fruit stock or ornamental”, so <sup>amended</sup> that the clause shall read as follows:

(*e*) “nursery” means any place where fruit trees, fruit stock or ornamental plants are propagated for sale.

(2) Clause *g* of the said section 1 is amended by inserting <sup>Rev. Stat., c. 278, s. 1,</sup> after the word “disease” where it occurs the second time in <sup>cl. *g*,</sup> the first line the words “or injury”, so that the clause shall <sup>amended</sup> read as follows:

(*g*) “plant disease” means any disease or injury caused by any insect, virus, fungus, bacterium or other organism which is designated a plant disease in the regulations.

2. This Act may be cited as *The Plant Diseases Amendment Act* <sup>Short title</sup>, 1952.

An Act to amend The Plant Diseases Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

April 1st, 1952

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MR. KENNEDY

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**The Warble Fly Control Act, 1952**

---

MR. KENNEDY

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#### EXPLANATORY NOTE

This Act is re-enacted in this form in order to effect better administration and control.

The departmental inspector feature is new and so is the power of inspectors to examine cattle for warble fly grubs.

# BILL

## The Warble Fly Control Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "cattle owner" means any person owning or keeping one or more head of cattle and includes any person in charge of premises where cattle are kept; R.S.O. 1950, c. 416, s. 1, cl. (a), *amended*.
- (b) "Commissioner" means Live Stock Commissioner;
- (c) "inspector" means an inspector appointed under this Act and includes the chief inspector;
- (d) "Minister" means Minister of Agriculture;
- (e) "municipality" means township;
- (f) "regulations" means regulations made under this Act;
- (g) "treated for warble fly" means treated in accordance with the regulations by the brush method or by the spray method;
- (h) "warble fly" means the insect known as *Hypoderma Bovis* or *Hypoderma Lineatum*. R.S.O. 1950, c. 416, s. 1, cls. (b-h).

**2.—**(1) Upon receipt of a petition that bears the signatures of more than two-thirds of the cattle owners in the municipality, the council thereof at its next meeting shall pass a by-law requiring all the cattle within the municipality to be treated for warble fly. R.S.O. 1950, c. 416, s. 2 (1), *amended*.

Copy to  
be sent to  
Commis-  
sioner

(2) The clerk of the municipality shall send a certified copy of the by-law to the Commissioner within seven days after it is passed. R.S.O. 1950, c. 416, s. 2 (2).

Exemption

(3) Where a by-law passed under this Act has been in force for a period of two consecutive years, the council of the municipality may with the approval of the Minister amend the by-law to exempt from the by-law any cattle or any class of cattle that may be so exempted under the regulations. *New.*

Appoint-  
ment of  
inspectors;  
purchase of  
supplies

3.—(1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and may purchase or otherwise acquire such equipment and material as it deems fit for the treatment of cattle for warble fly. R.S.O. 1950, c. 416, s. 3 (1), *amended.*

Depart-  
mental  
inspectors

(2) The Minister may appoint a chief inspector and one or more inspectors whose duties shall be to carry out the provisions of this Act and the regulations.

Evidence of  
appointment

(3) The production by an inspector of a certificate of his appointment purporting to be signed by the clerk of the municipality or by the Minister, as the case may be, shall be accepted as *prima facie* evidence of his appointment under this Act.

Power to  
enter  
premises

(4) In the performance of his duties under this Act an inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house and may inspect all cattle on the premises for warble fly grubs. R.S.O. 1950, c. 416, s. 3 (2), *amended.*

Duty of  
cattle owners

4.—(1) Where the council of a municipality has passed a by-law under this Act, every cattle owner in the municipality shall treat or make available his cattle for treatment for warble fly in accordance with the regulations, and make available for inspection any cattle on the premises.

Power of  
inspectors  
to treat  
for warble  
fly

(2) Where an inspector on or after the 18th day of April in any year finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may cause the cattle to be treated for warble fly.

Cost of  
treatment  
by inspector

(3) Every cattle owner who does not treat his cattle for warble fly shall be liable for the cost of such treatment by the inspector, and the cost thereof shall be payable on demand and shall be recoverable in any court of competent jurisdiction.

(4) The council of a municipality or the Minister, as the case may be, may authorize an inspector to accept payment from a cattle owner for the cost of treatment of his cattle and to give a receipt therefor. *New.* <sup>Payment to inspector</sup>

5. Where a cattle owner brings or receives cattle into a municipality during the period within which treatments for warble fly are required in any year, production of a certificate of treatment of the cattle for warble fly issued by any inspector shall be accepted as evidence of treatment. *New.* <sup>Bringing cattle into municipality</sup>

6. No person shall hinder or obstruct an inspector in the course of his duties in entering land or buildings, inspecting cattle for warble fly grubs or treating cattle for warble fly. *New.* <sup>Obstruction of inspectors</sup>

7. Every cattle owner who fails to comply with this Act or the regulations or any by-law passed under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50 for a first offence, and to a penalty of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days for any subsequent offence. R.S.O. 1950, c. 416, s. 4, *amended.* <sup>Offences and penalties</sup>

8. The Lieutenant-Governor in Council may make regulations, <sup>Regulations</sup>

- (a) defining the brush method and the spray method of treatment for warble fly;
- (b) designating the ingredients to be used and the strength thereof and prescribing the number of treatments that shall be given in a year and the times at which the treatments shall be given;
- (c) providing for the cattle or classes of cattle that may be exempted from the provisions of a by-law passed under this Act;
- (d) providing for the instruction of inspectors and prescribing their duties;
- (e) prescribing the form of inspectors' certificates;
- (f) providing for the making of grants by the Minister out of such moneys as may be appropriated therefor by the Legislature so as to reimburse any municipality to such extent as is designated for any expense it has been put to under a by-law passed under this Act;

(g) respecting the control of warble fly in unorganized territory and providing for the payment of the cost thereof;

(h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 416, s. 5, *amended*.

Rev. Stat.,  
c. 416,  
repealed

**9.** *The Warble Fly Control Act* is repealed.

Existing  
by-laws  
continued

**10.** Every by-law passed under *The Warble Fly Control Act* that is in force when this Act comes into force shall remain in force as though that Act had not been repealed and shall be acted upon under this Act as though it had been passed under this Act.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Warble Fly Control Act, 1952*.



The Warble Fly Control Act, 1952

---

*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

---

MR. KENNEDY

---



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**The Warble Fly Control Act, 1952**

---

MR. KENNEDY

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No. 54

1952

# BILL

## The Warble Fly Control Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "cattle owner" means any person owning or keeping one or more head of cattle and includes any person in charge of premises where cattle are kept; R.S.O. 1950, c. 416, s. 1, cl. (a), *amended*.
- (b) "Commissioner" means Live Stock Commissioner;
- (c) "inspector" means an inspector appointed under this Act and includes the chief inspector;
- (d) "Minister" means Minister of Agriculture;
- (e) "municipality" means township;
- (f) "regulations" means regulations made under this Act;
- (g) "treated for warble fly" means treated in accordance with the regulations by the brush method or by the spray method;
- (h) "warble fly" means the insect known as *Hypoderma Bovis* or *Hypoderma Lineatum*. R.S.O. 1950, c. 416, s. 1, cls. (b-h).

**2.—(1)** Upon receipt of a petition that bears the signatures of more than two-thirds of the cattle owners in the municipality, the council thereof at its next meeting shall pass a by-law requiring all the cattle within the municipality to be treated for warble fly. R.S.O. 1950, c. 416, s. 2 (1), *amended*.

Copy to  
be sent to  
Commis-  
sioner

(2) The clerk of the municipality shall send a certified copy of the by-law to the Commissioner within seven days after it is passed. R.S.O. 1950, c. 416, s. 2 (2).

Exemption

(3) Where a by-law passed under this Act has been in force for a period of two consecutive years, the council of the municipality may with the approval of the Minister amend the by-law to exempt from the by-law any cattle or any class of cattle that may be so exempted under the regulations. *New.*

Appoint-  
ment of  
inspectors;  
purchase of  
supplies

3.—(1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and may purchase or otherwise acquire such equipment and material as it deems fit for the treatment of cattle for warble fly. R.S.O. 1950, c. 416, s. 3 (1), *amended.*

Depart-  
mental  
inspectors

(2) The Minister may appoint a chief inspector and one or more inspectors whose duties shall be to carry out the provisions of this Act and the regulations.

Evidence of  
appointment

(3) The production by an inspector of a certificate of his appointment purporting to be signed by the clerk of the municipality or by the Minister, as the case may be, shall be accepted as *prima facie* evidence of his appointment under this Act.

Power to  
enter  
premises

(4) In the performance of his duties under this Act an inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house and may inspect all cattle on the premises for warble fly grubs. R.S.O. 1950, c. 416, s. 3 (2), *amended.*

Duty of  
cattle owners

4.—(1) Where the council of a municipality has passed a by-law under this Act, every cattle owner in the municipality shall treat or make available his cattle for treatment for warble fly in accordance with the regulations, and make available for inspection any cattle on the premises.

Power of  
inspectors  
to treat  
for warble  
fly

(2) Where an inspector on or after the 18th day of April in any year finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may cause the cattle to be treated for warble fly.

Cost of  
treatment  
by inspector

(3) Every cattle owner who does not treat his cattle for warble fly shall be liable for the cost of such treatment by the inspector, and the cost thereof shall be payable on demand and shall be recoverable in any court of competent jurisdiction.

(4) The council of a municipality or the Minister, as the case may be, may authorize an inspector to accept payment from a cattle owner for the cost of treatment of his cattle and to give a receipt therefor. *New.* <sup>Payment to inspector</sup>

5. Where a cattle owner brings or receives cattle into a municipality during the period within which treatments for warble fly are required in any year, production of a certificate of treatment of the cattle for warble fly issued by any inspector shall be accepted as evidence of treatment. *New.* <sup>Bringing cattle into municipality</sup>

6. No person shall hinder or obstruct an inspector in the course of his duties in entering land or buildings, inspecting cattle for warble fly grubs or treating cattle for warble fly. *New.* <sup>Obstruction of inspectors</sup>

7. Every cattle owner who fails to comply with this Act or the regulations or any by-law passed under this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50 for a first offence, and to a penalty of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days for any subsequent offence. R.S.O. 1950, c. 416, s. 4, *amended.* <sup>Offences and penalties</sup>

8. The Lieutenant-Governor in Council may make regulations, <sup>Regulations</sup>

- (a) defining the brush method and the spray method of treatment for warble fly;
- (b) designating the ingredients to be used and the strength thereof and prescribing the number of treatments that shall be given in a year and the times at which the treatments shall be given;
- (c) providing for the cattle or classes of cattle that may be exempted from the provisions of a by-law passed under this Act;
- (d) providing for the instruction of inspectors and prescribing their duties;
- (e) prescribing the form of inspectors' certificates;
- (f) providing for the making of grants by the Minister out of such moneys as may be appropriated therefor by the Legislature so as to reimburse any municipality to such extent as is designated for any expense it has been put to under a by-law passed under this Act;

(g) respecting the control of warble fly in unorganized territory and providing for the payment of the cost thereof;

(h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 416, s. 5, *amended*.

Rev. Stat.,  
c. 416,  
repealed

**9.** *The Warble Fly Control Act* is repealed.

Existing  
by-laws  
continued

**10.** Every by-law passed under *The Warble Fly Control Act* that is in force when this Act comes into force shall remain in force as though that Act had not been repealed and shall be acted upon under this Act as though it had been passed under this Act.

Commence  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Warble Fly Control Act, 1952*.





The Warble Fly Control Act, 1952

---

*1st Reading*

February 26th, 1952

*2nd Reading*

March 14th, 1952

*3rd Reading*

April 1st, 1952

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MR. KENNEDY

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The Agricultural College Act

---

MR. KENNEDY

---

#### EXPLANATORY NOTE

The Advisory Board to assist the Minister of Agriculture in the direction and control of the Ontario Agricultural College is reconstituted.

The annual report provisions of the Act are brought into line with the uniform formula adopted by the Department of the Provincial Secretary.

# BILL

## An Act to amend The Agricultural College Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Agricultural College Act* is repealed and the following substituted therefor: R.S.O.  
1937, c. 374,  
s. 7, re-  
enacted

7.—(1) Upon the recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint an Advisory Board consisting of not more than twelve members to advise and assist the Minister of Agriculture in the direction and control of the College. Advisory  
Board

(2) The Board shall be composed of the Deputy Minister of Agriculture, the Director of Education for Ontario and the President of the College and nine other persons who shall be appointed for a term of not more than three years. Idem

(3) Subject to the approval of the Lieutenant-Governor in Council, the Minister of Agriculture may prescribe the powers and duties of the Advisory Board and the amounts to be paid to the members for travelling expenses and allowances for attendance at the meetings. Idem

2. Section 13 and section 14, as amended by section 4 of *The Statute Law Amendment Act, 1946*, of *The Agricultural College Act* are repealed and the following substituted therefor: R.S.O.  
1937, c. 374,  
s. 13, re-  
enacted;  
s. 14,  
repealed

13.—(1) The President of the College shall make an annual report upon the affairs of the College to the Minister of Agriculture who shall file a copy of it with the Provincial Secretary. Annual  
report

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then Tabling

lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Agricultural College Amendment Act, 1952*.









BILL

An Act to amend The Agricultural  
College Act

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---

*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

---

MR. KENNEDY

---

No. 55

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act to amend The Agricultural College Act**

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MR. KENNEDY

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Agricultural College Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Agricultural College Act* is repealed and the following substituted therefor:

R.S.O.  
1937, c. 374,  
s. 7, re-  
enacted

7.—(1) Upon the recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint an Advisory Board consisting of not more than twelve members to advise and assist the Minister of Agriculture in the direction and control of the College.

Advisory  
Board

(2) The Board shall be composed of the Deputy Minister of Agriculture, the Chief Director of Education for Ontario and the President of the College and nine other persons who shall be appointed for a term of not more than three years.

Idem

(3) Subject to the approval of the Lieutenant-Governor in Council, the Minister of Agriculture may prescribe the powers and duties of the Advisory Board and the amounts to be paid to the members for travelling expenses and allowances for attendance at the meetings.

Idem

2. Section 13 and section 14, as amended by section 4 of *The Statute Law Amendment Act, 1946*, of *The Agricultural College Act* are repealed and the following substituted therefor:

R.S.O.  
1937, c. 374,  
s. 13, re-  
enacted;  
s. 14,  
repealed

13.—(1) The President of the College shall make an annual report upon the affairs of the College to the Minister of Agriculture who shall file a copy of it with the Provincial Secretary.

Annual  
report

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then

Tabling

lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Agricultural College Amendment Act, 1952*.









An Act to amend The Agricultural  
College Act

---

*1st Reading*

February 26th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

April 7th, 1952

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MR. KENNEDY

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Crown Timber Act, 1952**

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MR. SCOTT

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#### EXPLANATORY NOTE

The purpose of this Bill is to consolidate the various statutes dealing with Crown timber, namely, *The Crown Timber Act*, *The Cullers Act*, *The Forest Management Act*, *The Forest Resources Regulation Act*, *The Provincial Forests Act*, *The Pulpwood Conservation Act*, *The Forestry Act*, and *The Mills Licensing Act* and to bring the administrative practices in connection with Crown timber up to date.

No. 56

1952

# BILL

## The Crown Timber Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation.

- (a) "Crown charges" includes all charges and dues in respect of Crown timber, interest, costs, expenses and penalties imposed under this Act or the regulations or by any licence and all other charges, rents and claims of the Crown in connection with any licensed area;
- (b) "Crown timber" means timber on public lands and timber that remains the property of the Crown on lands for which a patent has been issued under *The Public Lands Act* or *The Mining Act*;
- (c) "cull" means a defective log as defined by the manual of scaling instructions;
- (d) "Department" means Department of Lands and Forests;
- (e) "licence" means any document heretofore or hereafter granted that authorizes the cutting of Crown timber;
- (f) "licensed area" means the lands upon which the right to cut Crown timber is authorized by a licence;
- (g) "licensee" means a person to whom a licence has been granted or to whom a licence has been assigned with the consent of the Minister;
- (h) "mill" means a plant in which logs or wood-bolts are initially processed and includes a saw mill and a pulp mill;

Rev. Stat.,  
cc. 309, 236

- (i) "Minister" means Minister of Lands and Forests;
- (j) "officer or agent" means any person employed or appointed to assist in the administration of this Act;
- (k) "public lands" means lands vested in Her Majesty in right of Ontario and under the management of the Minister, and includes lands in respect of which a lease, licence of occupation or permit has been granted or issued under *The Public Lands Act*, *The Mining Act* or *The Provincial Parks Act*;
- (l) "unproductive lands" means rock barrens, muskeg and lands covered by water;
- (m) "regulations" means regulations made under this Act. R.S.O. 1950, c. 82, s. 1, *amended*.

Rev. Stat.,  
cc. 309,  
236, 300

#### LICENCES TO CUT CROWN TIMBER

Sale of  
Crown  
timber by  
tender

2.—(1) The Minister may offer Crown timber for sale by tender either,

- (a) to the public generally; or
- (b) to any particular class or group of persons who in his opinion are or may be interested in such timber as a source of supply of raw materials for mills in existence at the time the offer is made.

Licences  
granted by  
the Minister

(2) The Minister may grant a licence to cut such timber to the person making the highest tender therefor for such period as he may deem proper subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions that are not inconsistent with the regulations as he may deem proper.

Acceptance  
of tenders

(3) The Minister shall not be obliged to accept the highest tender.

Licences  
expiring  
31st March  
next

(4) Notwithstanding subsection 1, the Minister may grant to a person holding a licence granted under section 2 of *The Crown Timber Act*, being chapter 82 of the Revised Statutes of Ontario, 1950, that expires on the 31st day of March next following the day upon which this Act comes into force a new licence to cut Crown timber on the lands described in the licence so expiring for such period as he may deem proper, subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions that are not inconsistent with the regulations as he may deem proper.



(5) If the cutting of the timber in respect of which a <sup>Renewal of</sup> licence is granted under this section is not completed during the term of the licence, the Minister may renew the licence for one further term not exceeding three years, subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions that are not inconsistent with the regulations as he may deem proper. *New.*

(6) Notwithstanding subsection 1, the Minister may grant <sup>Licences if charges not more than \$1,000</sup> licences to cut Crown timber at such rates and subject to such terms and conditions as he may deem proper, if the Crown charges payable for such timber do not exceed \$1,000. R.S.O. 1950, c. 82, s. 2 (1), *amended.*

3.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may grant <sup>Licences granted with approval of Lieutenant-Governor in Council</sup> licences to cut Crown timber for such periods subject to such terms and conditions as may be prescribed by the regulations and at such prices and subject to such other terms and conditions not inconsistent with the regulations as the Minister may deem proper. R.S.O. 1950, c. 82, s. 6 (1), *part.*

(2) Where a licence to cut Crown timber is granted under <sup>Terms and conditions</sup> subsection 1, the Minister may,

- (a) determine from time to time the prices at which species of timber may be cut where the prices for such species are not specifically set out in the licence; and
- (b) grant to a licensee from time to time during the term of the licence rights to cut on the licensed area additional species not set out in the licence at such prices and upon such terms and conditions as he may deem proper. R.S.O. 1950, c. 82, s. 6 (3), *amended.*

4.—(1) Where Crown timber in respect of which a licence <sup>Salvage licences</sup> has not been granted has been killed or damaged, the Minister may grant licences to permit the salvage of such timber and the cutting of any other Crown timber which in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper. R.S.O. 1950, c. 82, s. 2 (2), *amended.*

(2) Where Crown timber in respect of which a licence <sup>Direction to licensee to cut killed or damaged timber</sup> has been granted has been killed or damaged, the Minister may direct the licensee to cut such timber and any other timber which in his opinion should in the interest of economic forest

utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper.

Failure or neglect of licensee

(3) Where the licensee refuses or neglects to comply with any direction of the Minister under subsection 2 within such time as may be fixed by the Minister, the Minister may cancel or vary the licence in respect of the timber directed to be cut and may grant licences to persons other than the licensee to permit the salvage of such timber and the cutting of any other Crown timber which in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper.

Scaling methods may be varied

(4) At the direction of the Minister the method of measuring Crown timber prescribed in the manual of scaling instructions may be varied or abrogated in respect of any timber cut under a licence granted under subsection 1 or 3 or pursuant to the direction of the Minister under subsection 2. *New.*

Area to be stated

5.—(1) Every licence shall state the total area of the lands comprised therein and the area of the unproductive lands included in such total area.

Unproductive lands

(2) Crown charges for fire protection and ground rent shall not be payable in respect of unproductive lands. *New.*

Survey

6. The Minister may at any time cause a survey to be made to establish or re-establish the boundaries of any licensed area and the cost of such survey shall be borne by the licensee or where the boundary in question is a division line between two licensed areas, the cost of such survey shall be borne by the respective licensees in such proportions as the Minister may deem proper. *New.*

Species and lands to be described

7.—(1) Every licence shall name the species of timber and describe the lands upon which such timber may be cut. R.S.O. 1950, c. 82, s. 4 (1), *part.*

Conflicting licences

(2) If a licence is found to comprise a species of timber or lands included in an earlier licence, the later licence shall be void in so far as it conflicts with the earlier licence and the person holding the later licence shall have no claim against the Minister for indemnity or compensation by reason thereof. R.S.O. 1950, c. 82, s. 2 (3), *part.*

Rights of licensee in area limited

8. A licence shall not confer on the licensee any right to the soil or freehold of the licensed area or to the exclusive possession thereof except as may in the opinion of the Minister

be necessary for the cutting and removal of the timber thereon and the management of the licensed area and operations incidental thereto. R.S.O. 1950, c. 82, s. 4 (1), *part, amended.*

**9.**—(1) Subject to the payment of Crown charges, the property in all timber of the species set out in a licence and cut during the term of the licence shall vest in the licensee at the time such timber is cut. R.S.O. 1950, c. 82, s. 4 (2), *amended.* Effect of licence

(2) Crown charges in respect of all timber of the species set out in the licence cut on a licensed area during the term of the licence shall be paid by the licensee whether the timber is cut by the licensee or by any other person with or without his consent. *New.* Crown charges to be paid

**10.**—(1) Every licence shall entitle the licensee to seize all timber of the species set out in the licence cut on the licensed area during the term of the licence wherever the same may be found in the possession of any person not entitled thereto and to maintain an action against any person wrongfully cutting or damaging or having wrongful possession of such timber. R.S.O. 1950, c. 82, s. 4 (3), *amended.* Rights of licensee in his timber

(2) All proceedings pending at the expiration of any licence may be continued to final termination as if such licence had not expired. R.S.O. 1950, c. 82, s. 4 (4). Continuation of proceedings

**11.**—(1) A licence shall not confer any right to cut Crown timber on lands for which at the time the licence is granted a patent, lease, licence of occupation or permit has been issued, unless the right to so cut is expressly granted by the licence. Timber on patented lands

(2) A licence shall not confer any right to cut Crown timber on unpatented lands which at the time the licence is granted have been located or sold under *The Public Lands Act*. R.S.O. 1950, c. 82, s. 4 (5), *amended.* No rights to cut on located or sold lands

**12.** No licensee shall commence cutting operations in any year until the Minister has approved in writing the area in which the cutting operations are to be carried on in that year. *New.* Commencement of cutting operations

**13.**—(1) Every licence shall be subject to the condition that all timber cut thereunder, except timber that is used in Canada in an unmanufactured state for fuel, building or other purposes, shall, except as provided in subsection 2, be manufactured in Canada into ties, poles, pit props, lumber, veneer or such like products or into pulp. R.S.O. 1950, c. 82, s. 7, *amended.* Timber to be manufactured in Canada

Power to  
suspend  
operation of  
subs. 1

(2) The Lieutenant-Governor in Council may suspend the operation of subsection 1 as to any kind or class of timber that he may designate for such period as he may deem proper and as to any area that he may define. R.S.O. 1950, c. 82, s. 8, *amended*.

Assignment,  
etc., of  
licences

**14.**—(1) A licence shall not be assigned, pledged or charged without the consent in writing of the Minister and permission to cut timber on a licensed area shall not be granted without the consent in writing of the Minister, and he shall not under any circumstances be bound to give such consent and he may impose such terms and conditions as he may deem proper.

(2) An assignment, pledge or charge of a licence or permission to cut on a licensed area shall not have any force or validity unless the Minister has consented thereto in writing. *New*.

Records

**15.** Every licensee shall keep in connection with every cutting operation such records as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be verified by the oath of the person who made the entries therein or by the licensee and shall be delivered to an officer or agent. R.S.O. 1950, c. 82, s. 19, *amended*.

Additional  
powers

**16.** Notwithstanding the granting of a licence, the Minister may,

(a) subject to the provisions of this Act, dispose of any Crown timber not expressly mentioned in such licence; and

(b) after thirty days written notice to the licensee specifying the action proposed to be taken and giving the licensee an opportunity to be heard, sell, lease, grant or otherwise dispose of any public lands included in a licensed area for any purpose for which public lands may be disposed of under *The Public Lands Act*, and upon such sale, lease or grant being made all rights of the licensee in respect of the timber on such lands shall cease. R.S.O. 1950, c. 82, s. 31, *amended*.

Rev. Stat.,  
c. 309

#### LIEN FOR CROWN CHARGES AND SEIZURE OF TIMBER

Lien for  
Crown  
charges

**17.** All Crown charges shall be a lien and charge upon timber cut under the authority of a licence and upon any product manufactured from such timber in preference and



priority to any and all other fees, charges, liens or claims whatsoever. R.S.O. 1950, c. 82, s. 32, *amended*.

**18.—(1)** Any officer or agent may seize and detain any timber and any product manufactured from such timber, <sup>Seizure of timber and products</sup>

(a) where the person for the time being in possession or control of such timber or product refuses or fails to inform the officer or agent of the name and address of the person from whom such timber or product was received or of any fact within his knowledge respecting such timber or product; or

(b) where the officer or agent believes on reasonable grounds that such timber or the timber from which such product was manufactured has not been measured or counted by a scaler as required by this Act; or

(c) where the officer or agent believes on reasonable grounds that any Crown charges in respect of such timber or on the timber from which such product was manufactured or in respect of the lands on which such timber was cut are in default; or

(d) where the officer or agent believes on reasonable grounds that such timber or the timber from which such product was manufactured was not cut under the authority of a licence. R.S.O. 1950, c. 82, s. 26, *part, amended*.

(2) Any timber or product that is seized under subsection 1 may be removed to such place as the officer or agent may deem proper for the protection of the timber or product and if it is seized when in possession of a carrier it shall be removed by the carrier on behalf of the Minister to such place as the officer or agent may direct, provided that, <sup>Removal of seized timber and products</sup>

(a) the Minister shall be liable for transportation and all other proper charges incurred in consequence of the directions given by the officer or agent; and

(b) such seizure shall not prejudice or affect any lien to which the carrier may be entitled in respect of the timber or product up to the time of such seizure. *New.*

(3) Where timber within the meaning of this section has been made up with other timber into a crib, dam or raft, <sup>Timber mixed with other timber</sup> or in any other manner has been so mixed at a mill or elsewhere, as to render it impossible or difficult to distinguish

such timber from other timber with which it is mixed, the whole of the timber so mixed may be seized and detained until separated by the person claiming to be the owner thereof to the satisfaction of the officer or agent. R.S.O. 1950, c. 82, s. 24, *amended*.

Forfeiture  
of seized  
timber and  
products

**19.** Where timber or any product manufactured therefrom has been seized and no claim to recover it is made within thirty days from the date of the seizure, such timber or product shall be deemed to be forfeited to and shall become the property of the Crown and may be dealt with in such manner as the Minister may direct. R.S.O. 1950, c. 82, s. 27, *part*.

Notice of  
lien

**20.** Where timber or any product manufactured therefrom is subject to a lien and charge under section 17 and is under seizure or attachment by a sheriff of a bailiff of any court, or is claimed by or is in the possession of any assignee for the benefit of creditors, or any liquidator, or any trustee in bankruptcy, or were such timber or product has been converted into cash which is undistributed, the Minister may give to the sheriff, bailiff, assignee, liquidator or trustee in possession of such timber or product, or cash, notice of the amount due or owing under such lien and charge, and thereupon the sheriff, bailiff, assignee, liquidator or trustee shall pay the amount so due or owing to the Treasurer of Ontario in preference to and in priority over all other fees, charges, liens or claims whatsoever. R.S.O. 1950, c. 82, s. 34, *amended*.

#### PROCEEDINGS FOLLOWING SEIZURE OF TIMBER

Order for  
release from  
seizure

**21.—(1)** Any person claiming to be the owner of timber or any product manufactured therefrom that has been seized under this Act, upon at least four days notice to the Minister, may apply to a judge of the county or district court of the county or district in which such timber or product is held under seizure for an order for its release from seizure and its delivery to him.

Order for  
release and  
delivery to  
claimant

(2) Upon receipt of a bond of the claimant, with two good and sufficient sureties, in an amount not less than the market value of the timber or product and the expenses of the seizure, to be forfeited to the Crown if the claimant is declared by the judge not to be the owner of the timber or product, the judge may order the timber or product to be released from seizure and to be delivered to the claimant.

Order as to  
ownership

(3) Upon the application of the Minister or the claimant, and upon at least seven days notice, the judge shall determine the ownership of the timber or product whether or not it has been released and delivered to the claimant under subsection 2 and shall make an order,

- (a) declaring the claimant to be the owner,
    - (i) free of any claim for Crown charges, or
    - (ii) subject to payment of such Crown charges and expenses as he may find to be owing; or
  - (b) declaring the claimant not to be the owner and the bond, if any, forfeited to the Crown.
- (4) The judge shall make such order as he may consider proper as to the costs of proceedings under this section and the expenses of seizure. <sup>Costs of proceedings</sup>
- (5) If the claimant is declared not to be the owner of the timber or product, it shall be disposed of in such manner as the Minister may determine. R.S.O. 1950, c. 82, s. 29 (3, 6), *amended*. <sup>Disposal</sup>

#### FOREST MANAGEMENT

**22.**—(1) Every licensee shall furnish to the Minister within such period as may be fixed by him not exceeding three years from the date of the coming into force of this Act or from the grant of a licence, whichever is the later, <sup>Inventory and master plan to be furnished</sup>

- (a) an estimated inventory of the timber on the licensed area, classifying the timber as to age, species, size and type;
  - (b) a proposed master plan for managing the licensed area and producing timber therefrom;
  - (c) a map, which shall form part of the master plan, dividing the licensed area into proposed operational units; and
  - (d) a statement of the purposes for which the timber is to be utilized. R.S.O. 1950, c. 145, s. 2 (1), *amended*.
- (2) The Minister may approve a master plan as submitted to him or may approve it with such alterations therein as he may deem advisable. R.S.O. 1950, c. 145, s. 2 (2). <sup>Approval of master plan</sup>
- (3) Where there is conflict between an approved master plan and a licence the provisions of the master plan govern. R.S.O. 1950, c. 145, s. 2 (4), *amended*. <sup>Master plan to govern</sup>

(4) Subject to sections 23 and 24, a licensee who has furnished a master plan shall manage the licensed area <sup>Management of area according to plan</sup>



and produce timber therefrom and utilize it in accordance with the plan as approved. R.S.O. 1950, c. 145, s. 2 (3), *amended*.

Information  
to be fur-  
nished  
annually

**23.**—(1) Every licensee shall furnish to the Minister,

- (a) not later than the 1st day of February in each year an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year; and
- (b) not later than the 31st day of October in each year a map showing the areas cut over during the twelve-month period ending on the 31st day of March of that year together with a statement of the amount, species and size of timber cut from each cutting area during such period. R.S.O. 1950, c. 145, s. 3 (1), *amended*.

Alteration  
in plan

(2) The Minister may approve an annual plan or may approve it with such alterations as he may deem advisable and where such alterations involve the alteration of an approved master plan, the master plan shall be deemed to be altered accordingly. R.S.O. 1950, c. 145, s. 3 (2), *amended*.

Cutting  
operations

(3) Cutting operations in each year shall be conducted in accordance with the approved annual plan. *New*.

Preserva-  
tion of  
forests,  
etc.

**24.**—(1) Notwithstanding anything contained in any general or special Act or in any regulation or in any licence or in any master plan, the Lieutenant-Governor in Council may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him.

*Idem*

(2) Notwithstanding anything contained in any general or special Act or in any regulation or in any licence or in any master plan, the Minister may,

- (a) limit the cutting of the timber included in any licence in respect of the size, age, quality, species, types and distribution thereof as he may deem consistent with the best forestry practices;
- (b) determine the species and quantities of Crown timber cut by any licensee which may be used for the manufacture of lumber, pulp, paper or other products; and
- (c) for the purpose of forest management, watershed protection, fire protection, or the preservation of

beauty of landscape, game preserves or game shelters, direct the marking of trees to be left standing or to be cut in any area designated by him and direct the licensee to pay the cost of such marking. R.S.O. 1950, c. 145, s. 3, *amended*.

(3) Any action by the Lieutenant-Governor in Council <sup>Idem</sup> under subsection 1 or any action by the Minister under subsection 2 in respect of matters other than fire protection shall not affect operations being carried out or to be carried out pursuant to an approved annual plan. *New*.

**25.** No person shall commit wasteful practices in forest operations. R.S.O. 1950, c. 82, s. 18 (1). <sup>Wasteful forest practices forbidden</sup>

**26.** Every licensee shall, when required by the Minister and within the time specified, furnish to him in writing and under oath such information relating to the utilization, transformation or disposal of the timber cut on the licensed area and any products manufactured therefrom as he may require. R.S.O. 1950, c. 146, s. 3, *amended*. <sup>Information to be furnished by licensee</sup>

**27.** Where a licensee fails to comply with or contravenes any provision of sections 22 to 26 or any order of the Minister made thereunder, the Minister may suspend the operation of the licence in whole or in part for a period not exceeding six months. *New*. <sup>Non-compliance with ss. 22-26</sup>

**28.** Where a licensee fails to comply with or contravenes any provision of sections 22 to 26 or any order of the Minister made thereunder, the Lieutenant-Governor in Council may, <sup>Idem</sup>

(a) suspend the operation of the licence in whole or in part for such period as he may determine; or

(b) cancel the licence. *New*.

**29.** The form of inventories, plans, maps, statements and reports and the manner in which they are to be verified shall be determined by the Minister. R.S.O. 1950, c. 145, s. 7, *amended*. <sup>Inventories, plans, maps, etc.</sup>

#### SCALERS

**30.**—(1) The Lieutenant-Governor in Council may appoint boards of examiners, each consisting of three skilled persons, any two of whom shall form a quorum, whose duty shall be, <sup>Boards of examiners, appointment and duties</sup>

(a) to examine and report upon the ability and knowledge of persons desiring to be licensed to measure all classes of timber;

(b) to examine and report upon the ability and knowledge of persons desiring to be licensed to measure pulpwood; and

(c) to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council.

Standard  
and method  
of examina-  
tion

(2) The Minister shall determine the standard and method of examination. R.S.O. 1950, c. 84, s. 2, *amended*.

Oath of  
examiners

**31.**—(1) Every examiner, before entering upon his duties, shall take and subscribe an oath in the following form:

I, ....., will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring all classes of timber (*or* pulpwood). So help me God.

Transmission  
of oaths

(2) The oath shall be transmitted to the Minister. R.S.O. 1950, c. 84, s. 3, *amended*.

Remunera-  
tion of  
examiners.

**32.** The members of boards of examiners shall be paid such remuneration and travelling expenses as may be determined by the Lieutenant-Governor in Council. R.S.O. 1950, c. 84, s. 4, *amended*.

Examina-  
tions

**33.**—(1) Every board of examiners shall sit at such places and on such days as may be determined by the Minister, and shall examine all candidates who present themselves, and at the close of the examination, or as soon after as may be, shall transmit to the Minister the names of such of the candidates as they believe are trustworthy and of good character and who on examination have satisfactorily proved their fitness to discharge the duties of measuring all classes of timber or of measuring pulpwood and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as scalers. R.S.O. 1950, c. 84, s. 5, *amended*.

Examina-  
tion fee

(2) The Minister may determine the amount of the examination fee to be paid by candidates. R.S.O. 1950, c. 84, s. 6 (3), *amended*.

Scalers'  
licences

**34.**—(1) The Minister may issue a scaler's licence to any person,

issue

(a) who has been recommended by a board of examiners; and

(b) who has taken the oath prescribed by section 36,

and may designate any such licence as a licence to measure all classes of timber or a licence to measure pulpwood.

(2) Every scaler's licence shall expire on the 31st day of <sup>term</sup> March next following the date of the issue thereof.

(3) A scaler's licence may, upon application to the Minister, <sup>renewal</sup> be renewed from time to time either before or after the expiration thereof or of the last renewal, and every renewal shall expire on the 31st day of March next following the date thereof, but where a licence has not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed. R.S.O. 1950, c. 84, s. 7, *part, amended*.

**35.** Where a licensed scaler is not available, the Minister <sup>Special permits</sup> may issue a special permit to anyone whose trustworthiness and skill has been established by the affidavits of two responsible persons. R.S.O. 1950, c. 84, s. 9, *part, amended*.

**36.**—(1) Before a scaler's licence or special permit is <sup>Scaler's oath</sup> issued, each applicant shall take an oath in the following form:

I, ....., while acting as a licensed scaler (*or* as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill will measure correctly in accordance with the authorized manual of scaling instructions, all timber (*or* pulpwood) which I may be employed to measure, and make true return of the same to the Department of Lands and Forests or its officer or agent. So help me God.

R.S.O. 1950, c. 84, s. 8 (1), *amended*.

(2) The oath shall be transmitted to the Minister. R.S.O. <sup>Transmission of oaths</sup> 1950, c. 84, s. 8 (2).

**37.** The Minister may authorize a manual of scaling <sup>Manual of scaling instructions authorized</sup> instructions prescribing the method of measuring Crown timber. R.S.O. 1950, c. 84, s. 17, *amended*.

**38.**—(1) It shall be the duty of every licensed scaler or holder of a special permit to measure in accordance with the authorized manual of scaling instructions all timber and pulpwood which he may be employed to measure, making only such deductions as are authorized by the manual, and to enter in a book of record, for the purpose of a return to the Department, the contents of the timber or pulpwood measured by him and the number of logs rejected as culls. R.S.O. <sup>Duties of scalers</sup> 1950, c. 84, s. 10, *amended*.

(2) It shall be the duty of every licensed scaler or holder <sup>Idem</sup> of a special permit to stamp upon every cull the word "cull". R.S.O. 1950, c. 84, s. 11, *amended*.

**39.** All Crown timber shall be measured by a licensed <sup>Where timber to be measured</sup> scaler or a holder of a special permit at the place of cutting



or at a concentration point adjacent to the place of cutting, and no such timber shall be manufactured or removed from the place of cutting or from such concentration point before being so measured without the written authority of the Minister. *New.*

Measure-  
ment of  
pulpwood

**40.**—(1) Pulpwood cut in lengths of more than eight feet shall be measured in cubic feet of solid wood and not in stacked cords.

*Idem*

(2) Pulpwood cut in lengths of eight feet or less may be measured in cubic feet of solid wood or in stacked cords, as the Minister may direct.

*Idem*

(3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 128 cubic feet of stacked wood into 85 cubic feet of solid wood. R.S.O. 1950, c. 82, s. 3 (4), *amended*.

Inspection  
of scalers'  
books

**41.** Every licensed scaler and every holder of a special permit shall submit his books and records of measurements for the inspection of any officer or agent when called upon so to do, and shall furnish all information and statements or copies of statements that the Minister or any officer or agent may require. R.S.O. 1950, c. 84, s. 12, *amended*.

Suspension  
and cancel-  
lation of  
scalers'  
licences and  
permits

**42.** The Minister may suspend or cancel the licence or special permit of any scaler who undermeasures or mismeasures or improperly culls any sawlog or pulpwood, or makes a false return, or fails to make any return when required. R.S.O. 1950, c. 84, s. 16, *amended*.

#### LICENSING OF MILLS

Licence  
required

**43.**—(1) No person shall construct or operate a mill or increase the productive capacity of a mill or convert an existing mill into a mill of any other type without a licence from the Minister. R.S.O. 1950, c. 234, s. 2, *amended*.

Effect of  
licence

(2) The granting of a licence under subsection 1 shall not imply any obligation on the part of the Minister to make Crown timber available for the mill. *New.*

#### PROVINCIAL FORESTS

Provincial  
forests

**44.**—(1) The tracts of land established and known as the Eastern Provincial Forest, the Timagami Provincial Forest, the Mississagi Provincial Forest, the Georgian Bay Provincial Forest, the Nipigon Provincial Forest, the Wanapitei Provincial Forest and the Kawartha Provincial Forest shall continue to be set apart and known as provincial forests under such names and shall be used primarily for the production of timber. R.S.O. 1950, c. 297, s. 1, *amended*.

(2) The Lieutenant-Governor in Council may delimit any <sup>Idem</sup> established provincial forest and may establish and set apart as provincial forests any other public lands, and may increase or decrease the area of any provincial forest. R.S.O. 1950, c. 297, s. 2, *amended*.

#### ADVISORY COMMITTEE

**45.**—(1) There shall be a committee to be known as the <sup>Advisory Committee,</sup> Advisory Committee to the Minister of Lands and Forests, <sup>composition and appointment</sup> consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order in Council.

(2) Each of the following interests shall be represented on <sup>Interests to be represented</sup> the Committee: the building industry, education, finance, the forest engineers, labour, the lumber industry, the mining industry, the pulp and paper industry and the railways.

(3) The members of the Committee shall be paid such <sup>Remuneration and expenses</sup> remuneration and expenses as may be determined by the Lieutenant-Governor in Council.

(4) The Committee shall have a secretary who shall be <sup>Secretary</sup> a civil servant and who shall perform such other duties as may be assigned to him.

(5) The Committee shall meet monthly or otherwise as may <sup>Meetings</sup> be agreed upon by the Minister and the Committee.

(6) It shall be the duty of the Committee to advise the <sup>Duties</sup> Minister upon forest policy, either generally or in any particular that may be initiated by the Minister or by the Committee, regard being had to the conservation, development and utilization of the forest resources of Ontario. R.S.O. 1950, c. 147, s. 16.

#### PENALTIES

**46.**—(1) Every person who,

<sup>Penalties</sup>

- (a) commences cutting operations without the approval of the Minister under section 12 or who carries on any cutting operations beyond the limits of the area approved by the Minister under section 12 shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber so cut;

- (b) contravenes subsection 1 of section 13 or any order or direction made under section 24, or any regulation made under clause g of section 52, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (c) except under a licence, cuts or employs or induces or assists any other person to cut Crown timber, or removes or employs or induces or assists any other person to remove Crown timber, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (d) contravenes section 39, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (e) fails to comply with section 15, shall be liable to a penalty of not less than \$500 and not more than \$5,000;
- (f) when in possession or control of any timber or any product manufactured therefrom, upon request refuses or fails to inform any officer or agent of the name and address of the person from whom such timber or product was received or of any fact within his knowledge respecting such timber, shall be liable to a penalty of not less than \$10 and not more than \$500;
- (g) interferes with any officer or agent who seizes timber under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;
- (h) removes or attempts to remove or interferes or attempts to interfere with any timber or any product manufactured therefrom after it has been seized under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;
- (i) makes or avails himself of any false statement or oath with respect to any matter under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;



- (j) contravenes section 43 or any regulation made under clause *l* or *n* of section 52, shall be liable to a penalty of not less than \$500 and not more than \$1,000 for the first contravention and to a penalty of not less than \$1,000 and not more than \$5,000 for each subsequent contravention.

(2) Where in the opinion of the Minister a person is liable <sup>Demand for penalty</sup> to a penalty under subsection 1, he may give notice to such person by registered mail,

- (a) setting out the facts and circumstances that in his opinion render such person liable to a penalty;
- (b) requiring such person to pay such penalty as he may deem proper in the circumstances; and
- (c) specifying the time within which the penalty shall be paid. *New.*

**47.** If a person fails to pay a penalty in accordance with <sup>Right of action</sup> a notice under section 46, the Minister may bring an action for the recovery of such penalty in any court of competent jurisdiction and in such action it shall be the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection 1 of section 46; and
- (b) if it is determined that the person is liable to a penalty to confirm or vary the amount thereof claimed by the Minister; and
- (c) to give such judgment as it may deem proper; and
- (d) to make such order as to costs or otherwise as it may deem proper. *New.*

#### GENERAL

**48.** The Minister by instrument in writing may authorize <sup>Powers conferred on Deputy Minister, officers, etc.</sup> the Deputy Minister of Lands and Forests or any officer or agent to exercise such of the powers conferred by this Act upon him as may in his opinion properly be exercised by the Deputy Minister or such officer or agent. *New.*

**49.** Everything done by the Minister under the authority <sup>Acts of Minister deemed administrative</sup> of this Act shall be deemed to be of an administrative and not of a legislative nature. *New.*

Regulations re  
Crown  
dues

**50.**—(1) Notwithstanding anything contained in any general or special Act or in any Order in Council or regulation made pursuant thereto or in any licence, the Lieutenant-Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber or increasing or decreasing the annual ground rent and fire protection charge payable in respect of licensed areas, and such regulations may take effect at a time in the past, present or future that may be specified in such regulations.

Price to  
include  
Crown  
dues

(2) Where by the terms of any licence a price is fixed for any kind or class of timber and such price is stated to be inclusive of Crown dues or a price is fixed without reference to Crown dues, such price shall be deemed to be increased or decreased from time to time, as the case may be, by the amount whereby Crown dues may be increased or decreased under subsection 1. R.S.O. 1950, c. 82, s. 3 (1, 2).

Existing  
licences  
and permits

**51.**—(1) Every licence granted under any predecessor of this Act and subsisting when this Act comes into force shall, subject to subsection 2, continue in force in accordance with its terms.

Application  
of Act and  
regulations

(2) This Act and the regulations apply to every licence heretofore or hereafter granted and where there is any conflict between this Act or the regulations and any licence, this Act and the regulations govern. *New.*

#### REGULATIONS

Regulations

**52.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the terms and conditions that shall apply to licences, other than those granted under subsection 6 of section 2 or section 4;
- (b) prescribing terms and conditions in addition to those prescribed under clause *a* that may apply to licences to cut Crown timber within a provincial park;
- (c) fixing the amounts of ground rent, fire protection charges or other charges to be paid in respect of licensed areas, and prescribing the percentages of the productive lands included in a licensed area that shall be subject to ground rent and to fire protection charges;

- (d) fixing the Crown dues to be paid in respect of each species of timber, other than damaged timber, cut under licence;
- (e) fixing the times at which Crown charges shall be payable and the rate of interest to be charged on overdue accounts;
- (f) fixing the fees to be paid on the transfer of a licence;
- (g) fixing the minimum size of any species of trees that may be cut under licence;
- (h) defining wasteful practices in forest operations and prescribing the penalties that may be imposed for contravention of any such regulation;
- (i) classifying mills and providing for the issue of licences therefor;
- (j) prescribing the form of mill licences and the fees to be paid therefor;
- (k) prescribing the term of mill licences and providing for the transfer, renewal, suspension and cancellation thereof;
- (l) imposing conditions as to the location of mills, the mechanical efficiency thereof and operating methods of mill licensees, including the disposal of waste or refuse;
- (m) providing for the periodical inspection of mills;
- (n) prescribing the returns that mill licensees shall make to the Minister as to their mills and operations, including the sources, species, quantities and disposition of materials processed;
- (o) prescribing the forms of scalers' licences, special permits and renewals and the fees payable in respect thereof;
- (p) prescribing penalties for the contravention of any provision of this Act or the regulations where no penalty has been fixed by this Act;
- (q) governing the cutting of timber before the issue of a patent by a purchaser or locatee of lands for agricultural purposes under *The Public Lands Act* and prescribing the extent to which and the conditions under which such cutting may be carried on;

- (r) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

# REPEAL

## Repeal

**53.** The following Acts are repealed:

Rev. Stat.,  
c. 82

1. *The Crown Timber Act.*

Rev. Stat.,  
c. 84

2. *The Cullers Act.*

Rev. Stat.,  
c. 145

3. *The Forest Management Act.*

Rev. Stat.,  
c. 146

4. *The Forest Resources Regulation Act.*

Rev. Stat.,  
c. 147

5. *The Forestry Act.*

Rev. Stat.,  
c. 234

6. *The Mills Licensing Act.*

Rev. Stat.,  
c. 297

7. *The Provincial Forests Act.*

Rev. Stat.,  
c. 325

8. *The Pulpwood Conservation Act.*

## Commence- ment

**54.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

## Short title

**55.** This Act may be cited as *The Crown Timber Act, 1952.*



The Crown Timber Act, 1952

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*1st Reading*

February 26th, 1952

*2nd Reading*

*3rd Reading*

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MR. SCOTT

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Crown Timber Act, 1952**

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MR. SCOTT

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*(Reprinted as amended by the Committee on Lands and Forests)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTE

The purpose of this Bill is to consolidate the various statutes dealing with Crown timber, namely, *The Crown Timber Act*, *The Cullers Act*, *The Forest Management Act*, *The Forest Resources Regulation Act*, *The Provincial Forests Act*, *The Pulpwood Conservation Act*, *The Forestry Act*, and *The Mills Licensing Act* and to bring the administrative practices in connection with Crown timber up to date.



# BILL

## The Crown Timber Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Crown charges" includes all charges and dues in respect of Crown timber, interest, costs, expenses and penalties imposed under this Act or the regulations or by any licence and all other charges, rents and claims of the Crown in connection with any licensed area;
- (b) "Crown timber" means timber on public lands and timber that remains the property of the Crown on lands for which a patent has been issued under *The Public Lands Act* or *The Mining Act*;
- (c) "cull" means a defective log as defined by the manual of scaling instructions;
- (d) "Department" means Department of Lands and Forests;
- (e) "licence" means any document heretofore or hereafter granted that authorizes the cutting of Crown timber;
- (f) "licensed area" means the lands upon which the right to cut Crown timber is authorized by a licence;
- (g) "licensee" means a person to whom a licence has been granted or to whom a licence has been assigned with the consent of the Minister or in whom a licence has become vested by operation of law;
- (h) "mill" means a plant in which logs or wood-bolts are initially processed and includes a saw mill and a pulp mill;

Rev. Stat.  
cc 309, 23

- (i) "Minister" means Minister of Lands and Forests;
- (j) "officer or agent" means any person employed or appointed to assist in the administration of this Act;
- (k) "public lands" means lands vested in Her Majesty in right of Ontario and under the management of the Minister, and includes lands in respect of which a lease, licence of occupation or permit has been granted or issued under *The Public Lands Act*, *The Mining Act* or *The Provincial Parks Act*;
- (l) "unproductive lands" means rock barrens, muskeg and lands covered by water;
- (m) "regulations" means regulations made under this Act. R.S.O. 1950, c. 82, s. 1, *amended*.

Rev. Stat.,  
cc. 309,  
236, 300

#### LICENCES TO CUT CROWN TIMBER

Sale of  
Crown  
timber by  
tender

**2.—(1)** The Minister may offer Crown timber for sale by tender either,

- (a) to the public generally; or
- (b) to any particular class or group of persons who in his opinion are or may be interested in such timber as a source of supply of raw materials for mills in existence at the time the offer is made.

Licences  
granted by  
the Minister

(2) The Minister may grant a licence to cut such timber to the person making the highest tender therefor for such period as he may deem proper subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions as he may deem proper and that are not inconsistent with the regulations.

Acceptance  
of tenders

(3) The Minister shall not be obliged to accept the highest tender.

Licences  
expiring  
31st March  
next

(4) Notwithstanding subsection 1, the Minister may grant to a person holding a licence granted under section 2 of *The Crown Timber Act*, being chapter 82 of the Revised Statutes of Ontario, 1950, that expires on the 31st day of March next following the day upon which this Act comes into force a new licence to cut Crown timber on the lands described in the licence so expiring for such period as he may deem proper, subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions as he may deem proper and that are not inconsistent with the regulations.

(5) If the cutting of the timber in respect of which a licence is granted under this section is not completed during the term of the licence, the Minister may renew the licence for one further term not exceeding three years, subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions as he may deem proper and that are not inconsistent with the regulations. *New.* Renewal of licences

(6) Notwithstanding subsection 1, the Minister may grant licences to cut Crown timber at such rates and subject to such terms and conditions as he may deem proper, if the Crown charges payable for such timber do not exceed \$1,000. R.S.O. 1950, c. 82, s. 2 (1), *amended.* Licences if charges not more than \$1,000

3.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may grant licences to cut Crown timber for such periods subject to such terms and conditions as may be prescribed by the regulations and at such prices and subject to such other terms and conditions as the Minister may deem proper and that are not inconsistent with the regulations. R.S.O. 1950, c. 82, s. 6 (1), *part.* Licences granted with approval of Lieutenant-Governor in Council

(2) Where a licence to cut Crown timber is granted under subsection 1, the Minister may, Terms and conditions

- (a) determine from time to time the prices at which species of timber may be cut where the prices for such species are not specifically set out in the licence; and
- (b) grant to a licensee from time to time during the term of the licence rights to cut on the licensed area additional species not set out in the licence at such prices and upon such terms and conditions as he may deem proper. R.S.O. 1950, c. 82, s. 6 (3), *amended.*

4.—(1) Where Crown timber in respect of which a licence has not been granted has been killed or damaged, the Minister may grant licences to permit the salvage of such timber and the cutting of any other Crown timber which in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper. R.S.O. 1950, c. 82, s. 2 (2), *amended.* Salvage licences

(2) Where Crown timber in respect of which a licence has been granted has been killed or damaged, the Minister may direct the licensee to cut such timber and any other timber which in his opinion should in the interest of economic forest Direction to licensee to cut killed or damaged timber

utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper.

Failure or  
neglect of  
licensee

(3) Where the licensee refuses or neglects to comply with any direction of the Minister under subsection 2 within such time as may be fixed by the Minister, the Minister may cancel or vary the licence in respect of the timber directed to be cut and may grant licences to persons other than the licensee to permit the salvage of such timber and the cutting of any other Crown timber which in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper. *New.*

Area to be  
stated

5.—(1) Every licence shall state the total area of the lands comprised therein and the area of the unproductive lands included in such total area.

Unproduc-  
tive lands

(2) Crown charges for fire protection and ground rent shall not be payable in respect of unproductive lands. *New.*

Survey

6. The Minister may at any time cause a survey to be made to establish or re-establish the boundaries of any licensed area and the cost of such survey shall be borne by the licensee or where the boundary in question is a division line between two licensed areas, the cost of such survey shall be borne by the respective licensees in such proportions as the Minister may deem proper. *New.*

Species and  
lands to be  
described

7.—(1) Every licence shall name the species of timber and describe the lands upon which such timber may be cut. R.S.O. 1950, c. 82, s. 4 (1), *part.*

Conflicting  
licences

(2) If a licence is found to comprise a species of timber or lands included in an earlier licence, the later licence shall be void in so far as it conflicts with the earlier licence and the person holding the later licence shall have no claim against the Minister for indemnity or compensation by reason thereof. R.S.O. 1950, c. 82, s. 2 (3), *part.*

Rights of  
licensee in  
area  
limited

8. A licence shall not confer on the licensee any right to the soil or freehold of the licensed area or to the exclusive possession thereof except as may in the opinion of the Minister be necessary for the cutting and removal of the timber thereon and the management of the licensed area and operations incidental thereto. R.S.O. 1950, c. 82, s. 4 (1), *part, amended.*



**9.**—(1) Subject to the payment of Crown charges, the property in all timber of the species set out in a licence and cut during the term of the licence shall vest in the licensee at the time such timber is cut. R.S.O. 1950, c. 82, s. 4 (2), *amended*. Effect of licence

(2) Crown charges in respect of all timber of the species set out in the licence cut on a licensed area during the term of the licence shall be paid by the licensee whether the timber is cut by the licensee or by any other person with or without his consent. *New*. Crown charges to be paid

**10.**—(1) Every licence shall entitle the licensee to seize all timber of the species set out in the licence cut on the licensed area during the term of the licence wherever the same may be found in the possession of any person not entitled thereto and to maintain an action against any person wrongfully cutting or damaging or having wrongful possession of such timber. R.S.O. 1950, c. 82, s. 4 (3), *amended*. Rights of licensee in his timber

(2) All proceedings pending at the expiration of any licence may be continued to final termination as if such licence had not expired. R.S.O. 1950, c. 82, s. 4 (4). Continuation of proceedings

**11.**—(1) A licence shall not confer any right to cut timber on lands for which at the time the licence is granted a patent, lease, licence of occupation or permit has been issued, unless the right to so cut is expressly granted by the licence. Timber on patented lands

(2) A licence shall not confer any right to cut timber on unpatented lands which at the time the licence is granted have been located or sold under *The Public Lands Act*. R.S.O. 1950, c. 82, s. 4 (5), *amended*. No rights to cut on located or sold lands

**12.** No licensee shall commence cutting operations in any year until the Minister has approved in writing the area in which the cutting operations are to be carried on in that year. *New*. Commencement of cutting operations

**13.**—(1) Every licence shall be subject to the condition that all timber cut thereunder, except timber that is used in Canada in an unmanufactured state for fuel, building or other purposes, shall, except as provided in subsection 2, be manufactured in Canada into ties, poles, pit props, lumber, veneer or such like products or into pulp. R.S.O. 1950, c. 82, s. 7, *amended*. Timber to be manufactured in Canada

(2) The Lieutenant-Governor in Council, after giving thirty days notice of his intention so to do by publication in *The* Power to suspend operation of subs. 1

*Ontario Gazette*, may suspend the operation of subsection 1 as to any kind or class of timber that he may designate for such period as he may deem proper and as to any area that he may define. R.S.O. 1950, c. 82, s. 8, *amended*.

Assignment,  
etc., of  
licences

**14.**—(1) A licence shall not be assigned, pledged or charged without the consent in writing of the Minister and permission to cut timber on a licensed area shall not be granted by a licensee without the consent in writing of the Minister, and he shall not under any circumstances be bound to give such consent and he may impose such terms and conditions as he may deem proper.

(2) An assignment, pledge or charge of a licence or permission to cut on a licensed area shall not have any force or validity unless the Minister has consented thereto in writing. *New*.

Records

**15.** Every licensee shall keep in connection with every cutting operation such records relating to the quantity of timber cut as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be verified by the oath of the person who made the entries therein or by the licensee and shall be delivered to an officer or agent. R.S.O. 1950, c. 82, s. 19, *amended*.

Additional  
powers

**16.** Notwithstanding the granting of a licence, the Minister may,

(a) subject to the provisions of this Act, dispose of any Crown timber not expressly mentioned in such licence; and

(b) after thirty days written notice to the licensee specifying the action proposed to be taken and giving the licensee an opportunity to be heard, sell, lease, grant or otherwise dispose of any public lands included in a licensed area for any purpose for which public lands may be disposed of under *The Public Lands Act*, and upon such sale, lease or grant being made all rights of the licensee in respect of the timber on such lands shall cease. R.S.O. 1950, c. 82, s. 31, *amended*.

Rev. Stat.,  
c. 309

#### LIEN FOR CROWN CHARGES AND SEIZURE OF TIMBER

Lien for  
Crown  
charges

**17.** All Crown charges shall be a lien and charge upon timber cut under the authority of a licence and upon any product manufactured from such timber in preference and

priority to any and all other fees, charges, liens or claims whatsoever. R.S.O. 1950, c. 82, s. 32, *amended*.

18.—(1) Any officer or agent may seize and detain any timber and any product manufactured from such timber, Seizure of timber and products

- (a) where the person for the time being in possession or control of such timber or product refuses or fails to inform the officer or agent of the name and address of the person from whom such timber or product was received or of any fact within his knowledge respecting such timber or product; or
- (b) where the officer or agent believes on reasonable grounds that such timber or the timber from which such product was manufactured has not been measured or counted by a scaler as required by this Act; or
- (c) where the officer or agent believes on reasonable grounds that any Crown charges in respect of such timber or on the timber from which such product was manufactured or in respect of the lands on which such timber was cut are in default; or
- (d) where the officer or agent believes on reasonable grounds that such timber or the timber from which such product was manufactured was not cut under the authority of a licence. R.S.O. 1950, c. 82, s. 26, *part, amended*.

(2) Any timber or product that is seized under subsection 1 may be removed to such place as the officer or agent may deem proper for the protection of the timber or product and if it is seized when in possession of a carrier it shall be removed by the carrier on behalf of the Minister to such place as the officer or agent may direct, provided that, Removal of seized timber and products

- (a) the Minister shall be liable for transportation and all other proper charges incurred in consequence of the directions given by the officer or agent; and
- (b) such seizure shall not prejudice or affect any lien to which the carrier may be entitled in respect of the timber or product up to the time of such seizure. *New.*

(3) Where timber liable to seizure under this section has Timber mixed with other timber been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at a mill or else-



where, as to render it impractical or difficult to distinguish such timber from other timber with which it is mixed, the whole of the timber so mixed may be seized and detained. R.S.O. 1950, c. 82, s. 24, *amended*.

Forfeiture  
of seized  
timber and  
products

**19.** Where timber or any product manufactured therefrom has been seized and no claim to recover it is made within thirty days from the date of the seizure, such timber or product shall be deemed to be forfeited to and shall become the property of the Crown and may be dealt with in such manner as the Minister may direct. R.S.O. 1950, c. 82, s. 27, *part*.

Notice of  
lien

**20.** Where timber or any product manufactured therefrom is subject to a lien and charge under section 17 and is under seizure or attachment by a sheriff of a bailiff of any court, or is claimed by or is in the possession of any assignee for the benefit of creditors, or any liquidator, or any trustee in bankruptcy, or were such timber or product has been converted into cash which is undistributed, the Minister may give to the sheriff, bailiff, assignee, liquidator or trustee in possession of such timber or product, or cash, notice of the amount due or owing under such lien and charge, and thereupon the sheriff, bailiff, assignee, liquidator or trustee shall pay the amount so due or owing to the Treasurer of Ontario in preference to and in priority over all other fees, charges, liens or claims whatsoever. R.S.O. 1950, c. 82, s. 34, *amended*.

#### PROCEEDINGS FOLLOWING SEIZURE OF TIMBER

Order for  
release from  
seizure

**21.—(1)** Any person claiming to be the owner of timber or any product manufactured therefrom that has been seized under this Act, upon at least four days notice to the Minister, may apply to a judge of the county or district court of the county or district in which such timber or product is held under seizure for an order for its release from seizure and its delivery to him.

Order for  
release and  
delivery to  
claimant

**(2)** Upon receipt of a bond of the claimant, with two good and sufficient sureties, in an amount not less than the market value of the timber or product and the expenses of the seizure, to be forfeited to the Crown if the claimant is declared by the judge not to be the owner of the timber or product, the judge may order the timber or product to be released from seizure and to be delivered to the claimant.

Order as to  
ownership

**(3)** Upon the application of the Minister or the claimant, and upon at least seven days notice, the judge shall determine the ownership of the timber or product whether or not it has been released and delivered to the claimant under subsection 2 and shall make an order,



- (a) declaring the claimant to be the owner,
  - (i) free of any claim for Crown charges, or
  - (ii) subject to payment of such Crown charges and expenses as he may find to be owing; or
- (b) declaring the claimant not to be the owner and the bond, if any, forfeited to the Crown.

(4) The judge shall make such order as he may consider proper as to the costs of proceedings under this section and the expenses of seizure. Costs of proceedings

(5) If the claimant is declared not to be the owner of the timber or product, it shall be disposed of in such manner as the Minister may determine. R.S.O. 1950, c. 82, s. 29 (3, 6), *amended*. Disposal

#### FOREST MANAGEMENT

**22.**—(1) Every licensee shall furnish to the Minister within such period as may be fixed by him not exceeding three years from the date of the coming into force of this Act or from the grant of a licence, whichever is the later, Inventory and master plan to be furnished

- (a) an estimated inventory of the timber on the licensed area, classifying the timber as to age, species, size and type;
- (b) a proposed master plan for managing the licensed area and producing timber therefrom;
- (c) a map, which shall form part of the master plan, dividing the licensed area into proposed operational units; and
- (d) a statement of the purposes for which the timber is to be utilized. R.S.O. 1950, c. 145, s. 2 (1), *amended*.

(2) The Minister may approve a master plan as submitted to him or may approve it with such alterations therein as he may deem advisable. R.S.O. 1950, c. 145, s. 2 (2). Approval of master plan

(3) Where there is conflict between an approved master plan and a licence the provisions of the master plan govern. R.S.O. 1950, c. 145, s. 2 (4), *amended*. Master plan to govern

(4) Subject to sections 23 and 24, a licensee who has furnished a master plan shall manage the licensed area Management of area according to plan

and produce timber therefrom and utilize it in accordance with the plan as approved. R.S.O. 1950, c. 145, s. 2 (3), *amended*.

Information  
to be fur-  
nished  
annually

**23.**—(1) Every licensee shall furnish to the Minister,

- (a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year; and
- (b) not later than the 31st day of October in each year a map showing the areas cut over during the twelve-month period ending on the 31st day of March of that year together with a statement of the amount, species and size of timber cut from each cutting area during such period. R.S.O. 1950, c. 145, s. 3 (1), *amended*.

Alteration  
in plan

(2) The Minister may approve an annual plan or may approve it with such alterations as he may deem advisable and where such alterations involve the alteration of an approved master plan, the master plan shall be deemed to be altered accordingly. R.S.O. 1950, c. 145, s. 3 (2), *amended*.

Cutting  
operations

(3) Cutting operations in each year shall be conducted in accordance with the approved annual plan. *New*.

Preserva-  
tion of  
forests,  
etc.

**24.**—(1) Notwithstanding anything contained in any general or special Act or in any regulation or in any licence or in any master plan, the Lieutenant-Governor in Council, having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him.

Idem

(2) Notwithstanding anything contained in any general or special Act or in any regulation or in any licence or in any master plan, the Minister may,

- (a) limit the cutting of the timber included in any licence in respect of the size, age, quality, species, types and distribution thereof as he may deem consistent with the best forestry practices;
- (b) determine the species and quantities of Crown timber that may be cut by any licensee for the manufacture of lumber, pulp, paper or other products; and
- (c) for the purpose of forest management, watershed protection, fire protection, or the preservation of

beauty of landscape, game preserves or game shelters, direct the marking of trees to be left standing or to be cut in any area designated by him and direct the licensee to pay the cost of such marking. R.S.O. 1950, c. 145, s. 3, *amended*.

(3) Any action by the Lieutenant-Governor in Council <sup>Idem</sup> under subsection 1 or any action by the Minister under subsection 2 in respect of matters other than fire protection shall not affect operations being carried out or to be carried out pursuant to an approved annual plan. *New*.

**25.** No person shall commit wasteful practices in forest operations. R.S.O. 1950, c. 82, s. 18 (1). <sup>Wasteful forest practices forbidden</sup>

**26.** Every licensee shall, when required by the Minister and within the time specified, furnish to him in writing and under oath such information relating to the utilization, transformation or disposal of the timber cut on the licensed area and any products manufactured therefrom as he may require. R.S.O. 1950, c. 146, s. 3, *amended*. <sup>Information to be furnished by licensee</sup>

**27.** Where a licensee fails to comply with or contravenes any provision of sections 22 to 26 or any order of the Minister made thereunder, the Minister may suspend the operation of the licence in whole or in part for a period not exceeding six months. *New*. <sup>Non-compliance with ss. 22-26</sup>

**28.** Where a licensee fails to comply with or contravenes any provision of sections 22 to 26 or any order of the Minister made thereunder, the Lieutenant-Governor in Council may, <sup>Idem</sup>

(a) suspend the operation of the licence in whole or in part for such period as he may determine; or

(b) cancel the licence in whole or in part. *New*.

**29.** The form of inventories, plans, maps, statements and reports and the manner in which they are to be verified shall be determined by the Minister. R.S.O. 1950, c. 145, s. 7, *amended*. <sup>Inventories, plans, maps, etc.</sup>

#### SCALERS

**30.—(1)** The Lieutenant-Governor in Council may appoint boards of examiners, each consisting of three skilled persons, any two of whom shall form a quorum, whose duty shall be, <sup>Boards of examiners, appointment and duties</sup>

(a) to examine and report upon the ability and knowledge of persons desiring to be licensed to measure all classes of timber;

(b) to examine and report upon the ability and knowledge of persons desiring to be licensed to measure pulpwood; and

(c) to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council.

Standard  
and method  
of examina-  
tion

(2) The Minister shall determine the standard and method of examination. R.S.O. 1950, c. 84, s. 2, *amended*.

Oath of  
examiners

**31.**—(1) Every examiner, before entering upon his duties, shall take and subscribe an oath in the following form:

I, ....., will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring all classes of timber. So help me God.

Transmission  
of oaths

(2) The oath shall be transmitted to the Minister. R.S.O. 1950, c. 84, s. 3, *amended*.

Remunera-  
tion of  
examiners.

**32.** The members of boards of examiners shall be paid such remuneration and travelling expenses as may be determined by the Lieutenant-Governor in Council. R.S.O. 1950, c. 84, s. 4, *amended*.

Examina-  
tions

**33.**—(1) Every board of examiners shall sit at such places and on such days as may be determined by the Minister, and shall examine all candidates who present themselves, and at the close of the examination, or as soon after as may be, shall transmit to the Minister the names of such of the candidates as they believe are trustworthy and of good character and who on examination have satisfactorily proved their fitness to discharge the duties of measuring all classes of timber or of measuring pulpwood and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as scalers. R.S.O. 1950, c. 84, s. 5, *amended*.

Examina-  
tion fee

(2) The Minister may determine the amount of the examination fee to be paid by candidates. R.S.O. 1950, c. 84, s. 6 (3), *amended*.

Scalers'  
licences

**34.**—(1) The Minister may issue a scaler's licence to any person,

issue

(a) who has been recommended by a board of examiners; and

(b) who has taken the oath prescribed by section 36,

and may designate any such licence as a licence to measure all classes of timber or a licence to measure pulpwood.



(2) Every scaler's licence shall expire on the 31st day of term  
March next following the date of the issue thereof.

(3) A scaler's licence may, upon application to the Minister, <sup>renewal</sup>  
be renewed from time to time either before or after the  
expiration thereof or of the last renewal, and every renewal  
shall expire on the 31st day of March next following the  
date thereof, but where a licence has not been renewed within  
three years after its expiration or after the expiration of the  
last renewal, it shall not be further renewed. R.S.O. 1950,  
c. 84, s. 7, *part, amended*.

**35.** Where a licensed scaler is not available, the Minister <sup>Special permits</sup>  
may issue a special permit to anyone whose trustworthiness  
and skill has been established by the affidavits of two re-  
sponsible persons. R.S.O. 1950, c. 84, s. 9, *part, amended*.

**36.**—(1) Before a scaler's licence or special permit is <sup>Scaler's oath</sup>  
issued, each applicant shall take an oath in the following form:

I, ....., while acting as a  
licensed scaler (*or* as holder of a special permit), without fear,  
favour or affection, and to the best of my judgment and skill  
will measure correctly in accordance with the authorized manual  
of scaling instructions, all Crown timber which I may be  
employed to measure, and make true return of the same to the  
Department of Lands and Forests or its officer or agent. So  
help me God.

R.S.O. 1950, c. 84, s. 8 (1), *amended*.

(2) The oath shall be transmitted to the Minister. R.S.O. <sup>Transmission of oaths</sup>  
1950, c. 84, s. 8 (2).

**37.** The Minister may authorize a manual of scaling <sup>Manual of scaling in-</sup>  
instructions prescribing the method of measuring Crown <sup>structions</sup>  
timber. R.S.O. 1950, c. 84, s. 17, *amended*. <sup>authorized</sup>

**38.**—(1) It shall be the duty of every licensed scaler or <sup>Duties of</sup>  
holder of a special permit to measure in accordance with the <sup>scalers</sup>  
authorized manual of scaling instructions all Crown timber  
which he may be employed to measure, making only such  
deductions as are authorized by the manual, and to enter in  
a book of record, for the purpose of a return to the Department,  
the contents of the timber or pulpwood measured by him and  
the number of logs rejected as culls. R.S.O. 1950, c. 84, s. 10,  
*amended*.

(2) It shall be the duty of every licensed scaler or holder <sup>Idem</sup>  
of a special permit to stamp upon every cull the word "cull".  
R.S.O. 1950, c. 84, s. 11, *amended*.

**39.** All Crown timber shall be measured by a licensed <sup>Where</sup>  
scaler or a holder of a special permit at the place of cutting <sup>timber to be</sup>  
<sup>measured</sup>

or at a concentration point adjacent to the place of cutting, and no such timber shall be manufactured or removed from the place of cutting or from such concentration point before being so measured without the written authority of the Minister. *New.*

Measure-  
ment of  
pulpwood

**40.**—(1) Pulpwood cut in lengths of more than eight feet shall be measured in cubic feet of solid wood and not in stacked cords.

Idem

(2) Pulpwood cut in lengths of eight feet or less may be measured in cubic feet of solid wood or in stacked cords, as the Minister may direct.

Idem

(3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 128 cubic feet of stacked wood into 85 cubic feet of solid wood. R.S.O. 1950, c. 82, s. 3 (4), *amended*.

Inspection  
of scalers'  
books

**41.** Every licensed scaler and every holder of a special permit shall submit his books and records of measurements of Crown timber for the inspection of any officer or agent when called upon so to do, and shall furnish all information and statements or copies of statements that the Minister or any officer or agent may require. R.S.O. 1950, c. 84, s. 12, *amended*.

Suspension  
and cancel-  
lation of  
scalers'  
licences and  
permits

**42.** The Minister may suspend or cancel the licence or special permit of any scaler who undermeasures or mismeasures or improperly culls any Crown timber, or makes a false return, or fails to make any return when required. R.S.O. 1950, c. 84, s. 16, *amended*.

#### LICENSING OF MILLS

Licence  
required

**43.**—(1) No person shall construct or operate a mill or increase the productive capacity of a mill or convert an existing mill into a mill of any other type without a licence from the Minister. R.S.O. 1950, c. 234, s. 2, *amended*.

Effect of  
licence

(2) The granting of a licence under subsection 1 shall not imply any obligation on the part of the Minister to make Crown timber available for the mill. *New.*

#### PROVINCIAL FORESTS

Provincial  
forests

**44.** The tracts of land established and known as the Eastern Provincial Forest, the Timagami Provincial Forest, the Mississagi Provincial Forest, the Georgian Bay Provincial Forest, the Nipigon Provincial Forest, the Wanapitei Pro-

vincial Forest and the Kawartha Provincial Forest shall <sup>Idem</sup> continue to be set apart and known as provincial forests under such names and shall be used primarily for the production of timber. R.S.O. 1950, c. 297, s. 1, *amended*.

#### ADVISORY COMMITTEE

**45.**—(1) There shall be a committee to be known as the <sup>Advisory Committee, composition and appointment</sup> Advisory Committee to the Minister of Lands and Forests, consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order in Council.

(2) Each of the following interests shall be represented on the Committee: the building industry, education, finance, <sup>Interests to be represented</sup> the forest engineers, labour, the lumber industry, the mining industry, the pulp and paper industry and the railways.

(3) The members of the Committee shall be paid such <sup>Remuneration and expenses</sup> remuneration and expenses as may be determined by the Lieutenant-Governor in Council.

(4) The Committee shall have a secretary who shall be <sup>Secretary</sup> a civil servant and who shall perform such other duties as may be assigned to him.

(5) The Committee shall meet monthly or otherwise as may <sup>Meetings</sup> be agreed upon by the Minister and the Committee.

(6) It shall be the duty of the Committee to advise the <sup>Duties</sup> Minister upon forest policy, either generally or in any particular that may be initiated by the Minister or by the Committee, regard being had to the conservation, development and utilization of the forest resources of Ontario. R.S.O. 1950, c. 147, s. 16.

#### PENALTIES

**46.**—(1) Every person who,

<sup>Penalties</sup>

- (a) commences cutting operations without the approval of the Minister under section 12 or who carries on any cutting operations beyond the limits of the area approved by the Minister under section 12 shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber so cut;



- (b) contravenes subsection 1 of section 13 or any order or direction made under section 24, or any regulation made under clause h of section 52, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (c) except under a licence, cuts or employs or induces or assists any other person to cut Crown timber, or removes or employs or induces or assists any other person to remove Crown timber, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (d) contravenes section 39, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (e) fails to comply with section 15, shall be liable to a penalty of not less than \$500 and not more than \$5,000;
- (f) when in possession or control of any timber or any product manufactured therefrom, upon request refuses or fails to inform any officer or agent of the name and address of the person from whom such timber or product was received or of any fact within his knowledge respecting such timber, shall be liable to a penalty of not less than \$10 and not more than \$500;
- (g) interferes with any officer or agent who seizes timber under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;
- (h) removes or attempts to remove or interferes or attempts to interfere with any timber or any product manufactured therefrom after it has been seized under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;
- (i) makes or avails himself of any false statement or oath with respect to any matter under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;

- (j) contravenes section 43 or any regulation made under clause m or o of section 52, shall be liable to a penalty of not less than \$500 and not more than \$1,000 for the first contravention and to a penalty of not less than \$1,000 and not more than \$5,000 for each subsequent contravention.

(2) Where in the opinion of the Minister a person is liable <sup>Demand for penalty</sup> to a penalty under subsection 1, he may give notice to such person by registered mail,

- (a) setting out the facts and circumstances that in his opinion render such person liable to a penalty;
- (b) requiring such person to pay such penalty as he may deem proper in the circumstances; and
- (c) specifying the time within which the penalty shall be paid. *New.*

**47.** If a person fails to pay a penalty in accordance with <sup>Right of action</sup> a notice under section 46, the Minister may bring an action for the recovery of such penalty in any court of competent jurisdiction and in such action it shall be the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection 1 of section 46; and
- (b) if it is determined that the person is liable to a penalty to confirm or vary the amount thereof claimed by the Minister; and
- (c) to give such judgment as it may deem proper; and
- (d) to make such order as to costs or otherwise as it may deem proper. *New.*

#### GENERAL

**48.** The Minister by instrument in writing may authorize the Deputy Minister of Lands and Forests or any officer or agent to exercise such of the powers conferred by this Act upon him as may in his opinion properly be exercised by the Deputy Minister or such officer or agent. *New.* <sup>Powers conferred on Deputy Minister, officers, etc.</sup>

**49.** Everything done by the Minister under the authority of this Act shall be deemed to be of an administrative and not of a legislative nature. *New.* <sup>Acts of Minister deemed administrative</sup>

Regulations re  
Crown  
dues

**50.**—(1) Notwithstanding anything contained in any general or special Act or in any Order in Council or regulation made pursuant thereto or in any licence, the Lieutenant-Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber or increasing or decreasing the annual ground rent and fire protection charge payable in respect of licensed areas, and such regulations may take effect on the 1st day of April immediately preceding or at a subsequent time that may be specified in such regulations.

Price to  
include  
Crown  
dues

(2) Where by the terms of any licence a price is fixed for any kind or class of timber and such price is stated to be inclusive of Crown dues or a price is fixed without reference to Crown dues, such price shall be deemed to be increased or decreased from time to time, as the case may be, by the amount whereby Crown dues may be increased or decreased under subsection 1. R.S.O. 1950, c. 82, s. 3 (1, 2).

Existing  
licences  
and permits

**51.**—(1) Every licence granted under any predecessor of this Act and subsisting when this Act comes into force shall, subject to subsection 2, continue in force in accordance with the terms of such licence.

Application  
of Act and  
regulations

(2) This Act and the regulations apply to every licence heretofore or hereafter granted and where there is any conflict between this Act or the regulations and any licence, this Act and the regulations govern. *New.*

#### REGULATIONS

Regulations

**52.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the terms and conditions that shall apply to licences, other than those granted under subsection 6 of section 2 or section 4;
- (b) prescribing terms and conditions in addition to those prescribed under clause *a* that may apply to licences to cut Crown timber within a provincial park;
- (c) fixing the amounts of ground rent, fire protection charges or other charges to be paid in respect of licensed areas, and prescribing the percentages of the productive lands included in a licensed area that shall be subject to ground rent and to fire protection charges;

- (d) fixing the Crown dues to be paid in respect of each species of timber, other than damaged timber, cut under licence;
- (e) fixing the times at which Crown charges shall be payable and the rate of interest to be charged on overdue accounts;
- (f) fixing the fees to be paid on the transfer of a licence;
- (g) prescribing the manner in which a seizure of timber may be effected under section 18;
- (h) fixing the minimum size of any species of trees that may be cut under licence;
- (i) defining wasteful practices in forest operations and prescribing the penalties that may be imposed for contravention of any such regulation;
- (j) classifying mills and providing for the issue of licences therefor;
- (k) prescribing the form of mill licences and the fees to be paid therefor;
- (l) prescribing the term of mill licences and providing for the transfer, renewal, suspension and cancellation thereof;
- (m) imposing conditions as to the location of mills, the mechanical efficiency thereof and operating methods of mill licensees, including the disposal of waste or refuse;
- (n) providing for the periodical inspection of mills;
- (o) prescribing the returns that mill licensees shall make to the Minister as to their mills and operations, including the sources, species, quantities and disposition of materials processed;
- (p) prescribing the forms of scalers' licences, special permits and renewals and the fees payable in respect thereof;
- (q) prescribing penalties for the contravention of any provision of this Act or the regulations where no penalty has been fixed by this Act;
- (r) governing the cutting of timber before the issue of a patent by a purchaser or locatee of lands for agri-



cultural purposes under *The Public Lands Act* and prescribing the extent to which and the conditions under which such cutting may be carried on;

- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

#### REPEAL

##### Repeal

**53.** The following Acts are repealed:

Rev. Stat.,  
c. 82

1. *The Crown Timber Act.*

Rev. Stat.,  
c. 84

2. *The Cullers Act.*

Rev. Stat.,  
c. 145

3. *The Forest Management Act.*

Rev. Stat.,  
c. 146

4. *The Forest Resources Regulation Act.*

Rev. Stat.,  
c. 147

5. *The Forestry Act.*

Rev. Stat.,  
c. 234

6. *The Mills Licensing Act.*

Rev. Stat.,  
c. 297

7. *The Provincial Forests Act.*

Rev. Stat.,  
c. 325

8. *The Pulpwood Conservation Act.*

##### Commence- ment

**54.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

##### Short title

**55.** This Act may be cited as *The Crown Timber Act, 1952.*



The Crown Timber Act, 1952

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*1st Reading*

February 26th, 1952

*2nd Reading*

March 12th, 1952

*3rd Reading*

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MR. SCOTT

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*(Reprinted as amended by the Committee on  
Lands and Forests)*



No. 56

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Crown Timber Act, 1952**

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MR. SCOTT

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## The Crown Timber Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Crown charges" includes all charges and dues in respect of Crown timber, interest, costs, expenses and penalties imposed under this Act or the regulations or by any licence and all other charges, rents and claims of the Crown in connection with any licensed area;
- (b) "Crown timber" means timber on public lands and timber that remains the property of the Crown on lands for which a patent has been issued under *The Public Lands Act* or *The Mining Act*;
- (c) "cull" means a defective log as defined by the manual of scaling instructions;
- (d) "Department" means Department of Lands and Forests;
- (e) "licence" means any document heretofore or hereafter granted that authorizes the cutting of Crown timber;
- (f) "licensed area" means the lands upon which the right to cut Crown timber is authorized by a licence;
- (g) "licensee" means a person to whom a licence has been granted or to whom a licence has been assigned with the consent of the Minister or in whom a licence has become vested by operation of law;
- (h) "mill" means a plant in which logs or wood-bolts are initially processed and includes a saw mill and a pulp mill;

Rev. Stat.,  
cc 309, 23

- (i) "Minister" means Minister of Lands and Forests;
- (j) "officer or agent" means any person employed or appointed to assist in the administration of this Act;
- (k) "public lands" means lands vested in Her Majesty in right of Ontario and under the management of the Minister, and includes lands in respect of which a lease, licence of occupation or permit has been granted or issued under *The Public Lands Act*, *The Mining Act* or *The Provincial Parks Act*;
- (l) "unproductive lands" means rock barrens, muskeg and lands covered by water;
- (m) "regulations" means regulations made under this Act. R.S.O. 1950, c. 82, s. 1, *amended*.

Rev. Stat.,  
cc. 309,  
236, 300

#### LICENCES TO CUT CROWN TIMBER

Sale of  
Crown  
timber by  
tender

2.—(1) The Minister may offer Crown timber for sale by tender either,

- (a) to the public generally; or
- (b) to any particular class or group of persons who in his opinion are or may be interested in such timber as a source of supply of raw materials for mills in existence at the time the offer is made.

Licences  
granted by  
the Minister

(2) The Minister may grant a licence to cut such timber to the person making the highest tender therefor for such period as he may deem proper subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions as he may deem proper and that are not inconsistent with the regulations.

Acceptance  
of tenders

(3) The Minister shall not be obliged to accept the highest tender.

Licences  
expiring  
31st March  
next

(4) Notwithstanding subsection 1, the Minister may grant to a person holding a licence granted under section 2 of *The Crown Timber Act*, being chapter 82 of the Revised Statutes of Ontario, 1950, that expires on the 31st day of March next following the day upon which this Act comes into force a new licence to cut Crown timber on the lands described in the licence so expiring for such period as he may deem proper, subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions as he may deem proper and that are not inconsistent with the regulations.

(5) If the cutting of the timber in respect of which a licence is granted under this section is not completed during the term of the licence, the Minister may renew the licence for one further term not exceeding three years, subject to such terms and conditions as may be prescribed by the regulations and subject to such other terms and conditions as he may deem proper and that are not inconsistent with the regulations. *New.*

Renewal of  
licences

(6) Notwithstanding subsection 1, the Minister may grant licences to cut Crown timber at such rates and subject to such terms and conditions as he may deem proper, if the Crown charges payable for such timber do not exceed \$1,000. R.S.O. 1950, c. 82, s. 2 (1), *amended.*

Licences  
if charges  
not more  
than \$1,000

3.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may grant licences to cut Crown timber for such periods subject to such terms and conditions as may be prescribed by the regulations and at such prices and subject to such other terms and conditions as the Minister may deem proper and that are not inconsistent with the regulations. R.S.O. 1950, c. 82, s. 6 (1), *part.*

Licences  
granted with  
approval of  
Lieutenant-  
Governor in  
Council

(2) Where a licence to cut Crown timber is granted under subsection 1, the Minister may,

Terms and  
conditions

- (a) determine from time to time the prices at which species of timber may be cut where the prices for such species are not specifically set out in the licence; and
- (b) grant to a licensee from time to time during the term of the licence rights to cut on the licensed area additional species not set out in the licence at such prices and upon such terms and conditions as he may deem proper. R.S.O. 1950, c. 82, s. 6 (3), *amended.*

4.—(1) Where Crown timber in respect of which a licence has not been granted has been killed or damaged, the Minister may grant licences to permit the salvage of such timber and the cutting of any other Crown timber which in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper. R.S.O. 1950, c. 82, s. 2 (2), *amended.*

Salvage  
licences

(2) Where Crown timber in respect of which a licence has been granted has been killed or damaged, the Minister may direct the licensee to cut such timber and any other timber which in his opinion should in the interest of economic forest

Direction to  
licensee to  
cut killed  
or damaged  
timber



utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper.

Failure or neglect of licensee

(3) Where the licensee refuses or neglects to comply with any direction of the Minister under subsection 2 within such time as may be fixed by the Minister, the Minister may cancel or vary the licence in respect of the timber directed to be cut and may grant licences to persons other than the licensee to permit the salvage of such timber and the cutting of any other Crown timber which in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he may deem proper. *New.*

Area to be stated

5.—(1) Every licence shall state the total area of the lands comprised therein and the area of the unproductive lands included in such total area.

Unproductive lands

(2) Crown charges for fire protection and ground rent shall not be payable in respect of unproductive lands. *New.*

Survey

6. The Minister may at any time cause a survey to be made to establish or re-establish the boundaries of any licensed area and the cost of such survey shall be borne by the licensee or where the boundary in question is a division line between two licensed areas, the cost of such survey shall be borne by the respective licensees in such proportions as the Minister may deem proper. *New.*

Species and lands to be described

7.—(1) Every licence shall name the species of timber and describe the lands upon which such timber may be cut. R.S.O. 1950, c. 82, s. 4 (1), *part.*

Conflicting licences

(2) If a licence is found to comprise a species of timber or lands included in an earlier licence, the later licence shall be void in so far as it conflicts with the earlier licence and the person holding the later licence shall have no claim against the Minister for indemnity or compensation by reason thereof. R.S.O. 1950, c. 82, s. 2 (3), *part.*

Rights of licensee in area limited

8. A licence shall not confer on the licensee any right to the soil or freehold of the licensed area or to the exclusive possession thereof except as may in the opinion of the Minister be necessary for the cutting and removal of the timber thereon and the management of the licensed area and operations incidental thereto. R.S.O. 1950, c. 82, s. 4 (1), *part, amended.*

**9.**—(1) Subject to the payment of Crown charges, the property in all timber of the species set out in a licence and cut during the term of the licence shall vest in the licensee at the time such timber is cut. R.S.O. 1950, c. 82, s. 4 (2), *amended*. Effect of  
licence

(2) Crown charges in respect of all timber of the species set out in the licence cut on a licensed area during the term of the licence shall be paid by the licensee whether the timber is cut by the licensee or by any other person with or without his consent. *New*. Crown  
charges to  
be paid

**10.**—(1) Every licence shall entitle the licensee to seize all timber of the species set out in the licence cut on the licensed area during the term of the licence wherever the same may be found in the possession of any person not entitled thereto and to maintain an action against any person wrongfully cutting or damaging or having wrongful possession of such timber. R.S.O. 1950, c. 82, s. 4 (3), *amended*. Rights of  
licensee in  
his timber

(2) All proceedings pending at the expiration of any licence may be continued to final termination as if such licence had not expired. R.S.O. 1950, c. 82, s. 4 (4). Continua-  
tion of  
proceed-  
ings

**11.**—(1) A licence shall not confer any right to cut Crown timber on lands for which at the time the licence is granted a patent, lease, licence of occupation or permit has been issued, unless the right to so cut is expressly granted by the licence. Timber on  
patented  
lands

(2) A licence shall not confer any right to cut Crown timber on unpatented lands which at the time the licence is granted have been located or sold under *The Public Lands Act*. R.S.O. 1950, c. 82, s. 4 (5), *amended*. No rights  
to cut on  
located or  
sold lands

**12.** No licensee shall commence cutting operations in any year until the Minister has approved in writing the area in which the cutting operations are to be carried on in that year. *New*. Commence-  
ment of  
cutting  
operations

**13.**—(1) Every licence shall be subject to the condition that all timber cut thereunder, except timber that is used in Canada in an unmanufactured state for fuel, building or other purposes, shall, except as provided in subsection 2, be manufactured in Canada into ties, poles, pit props, lumber, veneer or such like products or into pulp. R.S.O. 1950, c. 82, s. 7, *amended*. Timber to be  
manufac-  
tured in  
Canada

(2) The Lieutenant-Governor in Council, after giving thirty days notice of his intention so to do by publication in *The* Power to  
suspend  
operation of  
subs. 1



*Ontario Gazette*, may suspend the operation of subsection 1 as to any kind or class of timber that he may designate for such period as he may deem proper and as to any area that he may define. R.S.O. 1950, c. 82, s. 8, *amended*.

Assignment,  
etc., of  
licences

**14.**—(1) A licence shall not be assigned, pledged or charged without the consent in writing of the Minister and permission to cut timber on a licensed area shall not be granted by a licensee without the consent in writing of the Minister, and he shall not under any circumstances be bound to give such consent and he may impose such terms and conditions as he may deem proper.

Consent of  
Minister

(2) An assignment, pledge or charge of a licence or permission to cut on a licensed area shall not have any force or validity unless the Minister has consented thereto in writing. *New*.

Records

**15.** Every licensee shall keep in connection with every cutting operation such records relating to the quantity of timber cut as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be verified by the oath of the person who made the entries therein or by the licensee and shall be delivered to an officer or agent. R.S.O. 1950, c. 82, s. 19, *amended*.

Additional  
powers

**16.** Notwithstanding the granting of a licence, the Minister may,

- (a) subject to the provisions of this Act, dispose of any Crown timber not expressly mentioned in such licence; and
- (b) after thirty days written notice to the licensee specifying the action proposed to be taken and giving the licensee an opportunity to be heard, sell, lease, grant or otherwise dispose of any public lands included in a licensed area for any purpose for which public lands may be disposed of under *The Public Lands Act*, and upon such sale, lease or grant being made all rights of the licensee in respect of the timber on such lands shall cease. R.S.O. 1950, c. 82, s. 31, *amended*.

Rev. Stat.,  
c. 309

#### LIEN FOR CROWN CHARGES AND SEIZURE OF TIMBER

Lien for  
Crown  
charges

**17.** All Crown charges shall be a lien and charge upon timber cut under the authority of a licence and upon any product manufactured from such timber in preference and

priority to any and all other fees, charges, liens or claims whatsoever. R.S.O. 1950, c. 82, s. 32, *amended*.

**18.—(1)** Any officer or agent may seize and detain any timber and any product manufactured from such timber, <sup>Seizure of timber and products</sup>

(a) where the person for the time being in possession or control of such timber or product refuses or fails to inform the officer or agent of the name and address of the person from whom such timber or product was received or of any fact within his knowledge respecting such timber or product; or

(b) where the officer or agent believes on reasonable grounds that such timber or the timber from which such product was manufactured has not been measured or counted by a scaler as required by this Act; or

(c) where the officer or agent believes on reasonable grounds that any Crown charges in respect of such timber or on the timber from which such product was manufactured or in respect of the lands on which such timber was cut are in default; or

(d) where the officer or agent believes on reasonable grounds that such timber or the timber from which such product was manufactured was not cut under the authority of a licence. R.S.O. 1950, c. 82, s. 26. *part, amended.*

(2) Any timber or product that is seized under subsection 1 may be removed to such place as the officer or agent may deem proper for the protection of the timber or product and if it is seized when in possession of a carrier it shall be removed by the carrier on behalf of the Minister to such place as the officer or agent may direct, provided that, <sup>Removal of seized timber and products</sup>

(a) the Minister shall be liable for transportation and all other proper charges incurred in consequence of the directions given by the officer or agent; and

(b) such seizure shall not prejudice or affect any lien to which the carrier may be entitled in respect of the timber or product up to the time of such seizure. *New.*

(3) Where timber liable to seizure under this section has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at a mill or else- <sup>Timber mixed with other timber</sup>

where, as to render it impractical or difficult to distinguish such timber from other timber with which it is mixed, the whole of the timber so mixed may be seized and detained. R.S.O. 1950, c. 82, s. 24, *amended*.

Forfeiture  
of seized  
timber and  
products

**19.** Where timber or any product manufactured therefrom has been seized and no claim to recover it is made within thirty days from the date of the seizure, such timber or product shall be deemed to be forfeited to and shall become the property of the Crown and may be dealt with in such manner as the Minister may direct. R.S.O. 1950, c. 82, s. 27, *part*.

Notice of  
lien

**20.** Where timber or any product manufactured therefrom is subject to a lien and charge under section 17 and is under seizure or attachment by a sheriff of a bailiff of any court, or is claimed by or is in the possession of any assignee for the benefit of creditors, or any liquidator, or any trustee in bankruptcy, or where such timber or product has been converted into cash which is undistributed, the Minister may give to the sheriff, bailiff, assignee, liquidator or trustee in possession of such timber or product, or cash, notice of the amount due or owing under such lien and charge, and thereupon the sheriff, bailiff, assignee, liquidator or trustee shall pay the amount so due or owing to the Treasurer of Ontario in preference to and in priority over all other fees, charges, liens or claims whatsoever. R.S.O. 1950, c. 82, s. 34, *amended*.

#### PROCEEDINGS FOLLOWING SEIZURE OF TIMBER

Order for  
release from  
seizure

**21.—(1)** Any person claiming to be the owner of timber or any product manufactured therefrom that has been seized under this Act, upon at least four days notice to the Minister, may apply to a judge of the county or district court of the county or district in which such timber or product is held under seizure for an order for its release from seizure and its delivery to him.

Order for  
release and  
delivery to  
claimant

**(2)** Upon receipt of a bond of the claimant, with two good and sufficient sureties, in an amount not less than the market value of the timber or product and the expenses of the seizure, to be forfeited to the Crown if the claimant is declared by the judge not to be the owner of the timber or product, the judge may order the timber or product to be released from seizure and to be delivered to the claimant.

Order as to  
ownership

**(3)** Upon the application of the Minister or the claimant, and upon at least seven days notice, the judge shall determine the ownership of the timber or product whether or not it has been released and delivered to the claimant under subsection 2 and shall make an order,

(a) declaring the claimant to be the owner,

(i) free of any claim for Crown charges, or

(ii) subject to payment of such Crown charges and expenses as he may find to be owing; or

(b) declaring the claimant not to be the owner and the bond, if any, forfeited to the Crown.

(4) The judge shall make such order as he may consider <sup>Costs of proceedings</sup> proper as to the costs of proceedings under this section and the expenses of seizure.

(5) If the claimant is declared not to be the owner of the <sup>Disposal</sup> timber or product, it shall be disposed of in such manner as the Minister may determine. R.S.O. 1950, c. 82, s. 29 (3, 6), *amended*.

#### FOREST MANAGEMENT

**22.**—(1) Every licensee, shall furnish to the Minister <sup>Inventory and master plan to be furnished</sup> within such period as may be fixed by him not exceeding three years from the date of the coming into force of this Act or from the grant of a licence, whichever is the later,

(a) an estimated inventory of the timber on the licensed area, classifying the timber as to age, species, size and type;

(b) a proposed master plan for managing the licensed area and producing timber therefrom;

(c) a map, which shall form part of the master plan, dividing the licensed area into proposed operational units; and

(d) a statement of the purposes for which the timber is to be utilized. R.S.O. 1950, c. 145, s. 2 (1), *amended*.

(2) The Minister may approve a master plan as submitted <sup>Approval of master plan</sup> to him or may approve it with such alterations therein as he may deem advisable. R.S.O. 1950, c. 145, s. 2 (2).

(3) Where there is conflict between an approved master <sup>Master plan to govern</sup> plan and a licence the provisions of the master plan govern. R.S.O. 1950, c. 145, s. 2 (4), *amended*.

(4) Subject to sections 23 and 24, a licensee who has <sup>Management of area according to plan</sup> furnished a master plan shall manage the licensed area



and produce timber therefrom and utilize it in accordance with the plan as approved. R.S.O. 1950, c. 145, s. 2 (3), *amended*.

Information  
to be fur-  
nished  
annually

**23.**—(1) Every licensee shall furnish to the Minister,

- (a) at least sixty days before cutting operations commence in each year, but not later than the 15th day of June, an annual plan for the cutting operations to be conducted by him during the twelve-month period commencing on the 1st day of April in that year; and
- (b) not later than the 31st day of October in each year a map showing the areas cut over during the twelve-month period ending on the 31st day of March of that year together with a statement of the amount, species and size of timber cut from each cutting area during such period. R.S.O. 1950, c. 145, s. 3 (1), *amended*.

Alteration  
in plan

(2) The Minister may approve an annual plan or may approve it with such alterations as he may deem advisable and where such alterations involve the alteration of an approved master plan, the master plan shall be deemed to be altered accordingly. R.S.O. 1950, c. 145, s. 3 (2), *amended*.

Cutting  
operations

(3) Cutting operations in each year shall be conducted in accordance with the approved annual plan. *New*.

Preserva-  
tion of  
forests,  
etc.

**24.**—(1) Notwithstanding anything contained in any general or special Act or in any regulation or in any licence or in any master plan, the Lieutenant-Governor in Council, having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him.

*Idem*

(2) Notwithstanding anything contained in any general or special Act or in any regulation or in any licence or in any master plan, the Minister may,

- (a) limit the cutting of the timber included in any licence in respect of the size, age, quality, species, types and distribution thereof as he may deem consistent with the best forestry practices;
- (b) determine the species and quantities of Crown timber that may be cut by any licensee for the manufacture of lumber, pulp, paper or other products; and
- (c) for the purpose of forest management, watershed protection, fire protection, or the preservation of

beauty of landscape, game preserves or game shelters, direct the marking of trees to be left standing or to be cut in any area designated by him and direct the licensee to pay the cost of such marking. R.S.O. 1950, c. 145, s. 3, *amended*.

(3) Any action by the Lieutenant-Governor in Council <sup>Idem</sup> under subsection 1 or any action by the Minister under subsection 2 in respect of matters other than fire protection shall not affect operations being carried out or to be carried out pursuant to an approved annual plan. *New*.

**25.** No person shall commit wasteful practices in forest operations. R.S.O. 1950, c. 82, s. 18 (1). <sup>Wasteful forest practices forbidden</sup>

**26.** Every licensee shall, when required by the Minister and within the time specified, furnish to him in writing and under oath such information relating to the utilization, transformation or disposal of the timber cut on the licensed area and any products manufactured therefrom as he may require. R.S.O. 1950, c. 146, s. 3, *amended*. <sup>Information to be furnished by licensee</sup>

**27.** Where a licensee fails to comply with or contravenes any provision of sections 22 to 26 or any order of the Minister made thereunder, the Minister may suspend the operation of the licence in whole or in part for a period not exceeding six months. *New*. <sup>Non-compliance with ss. 22-26</sup>

**28.** Where a licensee fails to comply with or contravenes <sup>Idem</sup> any provision of sections 22 to 26 or any order of the Minister made thereunder, the Lieutenant-Governor in Council may,

(a) suspend the operation of the licence in whole or in part for such period as he may determine; or

(b) cancel the licence in whole or in part. *New*.

**29.** The form of inventories, plans, maps, statements and reports and the manner in which they are to be verified shall be determined by the Minister. R.S.O. 1950, c. 145, s. 7, *amended*. <sup>Inventories, plans, maps, etc.</sup>

#### SCALERS

**30.—(1)** The Lieutenant-Governor in Council may appoint boards of examiners, each consisting of three skilled persons, any two of whom shall form a quorum, whose duty shall be, <sup>Boards of examiners, appointment and duties</sup>

(a) to examine and report upon the ability and knowledge of persons desiring to be licensed to measure all classes of timber;

(b) to examine and report upon the ability and knowledge of persons desiring to be licensed to measure pulpwood; and

(c) to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council.

Standard  
and method  
of examina-  
tion

(2) The Minister shall determine the standard and method of examination. R.S.O. 1950, c. 84, s. 2, *amended*.

Oath of  
examiners

**31.**—(1) Every examiner, before entering upon his duties, shall take and subscribe an oath in the following form:

I, ....., will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring all classes of timber. So help me God.

Transmission  
of oaths

(2) The oath shall be transmitted to the Minister. R.S.O. 1950, c. 84, s. 3, *amended*.

Remunera-  
tion of  
examiners.

**32.** The members of boards of examiners shall be paid such remuneration and travelling expenses as may be determined by the Lieutenant-Governor in Council. R.S.O. 1950, c. 84, s. 4, *amended*.

Examina-  
tions

**33.**—(1) Every board of examiners shall sit at such places and on such days as may be determined by the Minister, and shall examine all candidates who present themselves, and at the close of the examination, or as soon after as may be, shall transmit to the Minister the names of such of the candidates as they believe are trustworthy and of good character and who on examination have satisfactorily proved their fitness to discharge the duties of measuring all classes of timber or of measuring pulpwood and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as scalers. R.S.O. 1950, c. 84, s. 5, *amended*.

Examina-  
tion fee

(2) The Minister may determine the amount of the examination fee to be paid by candidates. R.S.O. 1950, c. 84, s. 6 (3), *amended*.

Scalers'  
licences

**34.**—(1) The Minister may issue a scaler's licence to any person,

issue

(a) who has been recommended by a board of examiners; and

(b) who has taken the oath prescribed by section 36,

and may designate any such licence as a licence to measure all classes of timber or a licence to measure pulpwood.



(2) Every scaler's licence shall expire on the 31st day of term  
March next following the date of the issue thereof.

(3) A scaler's licence may, upon application to the Minister, <sup>renewal</sup>  
be renewed from time to time either before or after the  
expiration thereof or of the last renewal, and every renewal  
shall expire on the 31st day of March next following the  
date thereof, but where a licence has not been renewed within  
three years after its expiration or after the expiration of the  
last renewal, it shall not be further renewed. R.S.O. 1950,  
c. 84, s. 7, *part, amended*.

**35.** Where a licensed scaler is not available, the Minister <sup>Special permits</sup>  
may issue a special permit to anyone whose trustworthiness  
and skill has been established by the affidavits of two re-  
sponsible persons. R.S.O. 1950, c. 84, s. 9, *part, amended*.

**36.**—(1) Before a scaler's licence or special permit is <sup>Scaler's oath</sup>  
issued, each applicant shall take an oath in the following form:

I, ....., while acting as a  
licensed scaler (*or as holder of a special permit*), without fear,  
favour or affection, and to the best of my judgment and skill  
will measure correctly in accordance with the authorized manual  
of scaling instructions, all Crown timber which I may be  
employed to measure, and make true return of the same to the  
Department of Lands and Forests or its officer or agent. So  
help me God.

R.S.O. 1950, c. 84, s. 8 (1), *amended*.

(2) The oath shall be transmitted to the Minister. R.S.O. <sup>Transmission of oaths</sup>  
1950, c. 84, s. 8 (2).

**37.** The Minister may authorize a manual of scaling <sup>Manual of scaling instructions authorized</sup>  
instructions prescribing the method of measuring Crown  
timber. R.S.O. 1950, c. 84, s. 17, *amended*.

**38.**—(1) It shall be the duty of every licensed scaler or <sup>Duties of scalers</sup>  
holder of a special permit to measure in accordance with the  
authorized manual of scaling instructions all Crown timber  
which he may be employed to measure, making only such  
deductions as are authorized by the manual, and to enter in  
a book of record, for the purpose of a return to the Department,  
the contents of the timber or pulpwood measured by him and  
the number of logs rejected as culls. R.S.O. 1950, c. 84, s. 10,  
*amended*.

(2) It shall be the duty of every licensed scaler or holder <sup>Idem</sup>  
of a special permit to stamp upon every cull the word "cull".  
R.S.O. 1950, c. 84, s. 11, *amended*.

**39.** All Crown timber shall be measured by a licensed <sup>Where timber to be measured</sup>  
scaler or a holder of a special permit at the place of cutting

or at a concentration point adjacent to the place of cutting, and no such timber shall be manufactured or removed from the place of cutting or from such concentration point before being so measured without the written authority of the Minister. *New.*

Measure-  
ment of  
pulpwood

**40.**—(1) Pulpwood cut in lengths of more than eight feet shall be measured in cubic feet of solid wood and not in stacked cords.

Idem

(2) Pulpwood cut in lengths of eight feet or less may be measured in cubic feet of solid wood or in stacked cords, as the Minister may direct.

Idem

(3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 128 cubic feet of stacked wood into 85 cubic feet of solid wood. R.S.O. 1950, c. 82, s. 3 (4), *amended.*

Inspection  
of scalers'  
books

**41.** Every licensed scaler and every holder of a special permit shall submit his books and records of measurements of Crown timber for the inspection of any officer or agent when called upon so to do, and shall furnish all information and statements or copies of statements that the Minister or any officer or agent may require. R.S.O. 1950, c. 84, s. 12, *amended.*

Suspension  
and cancel-  
lation of  
scalars'  
licences and  
permits

**42.** The Minister may suspend or cancel the licence or special permit of any scaler who undermeasures or mismeasures or improperly culls any Crown timber, or makes a false return, or fails to make any return when required. R.S.O. 1950, c. 84, s. 16, *amended.*

#### LICENSING OF MILLS

Licence  
required

**43.**—(1) No person shall construct or operate a mill or increase the productive capacity of a mill or convert an existing mill into a mill of any other type without a licence from the Minister. R.S.O. 1950, c. 234, s. 2, *amended.*

Effect of  
licence

(2) The granting of a licence under subsection 1 shall not imply any obligation on the part of the Minister to make Crown timber available for the mill. *New.*

#### PROVINCIAL FORESTS

Provincial  
forests

**44.** The tracts of land established and known as the Eastern Provincial Forest, the Timagami Provincial Forest, the Mississagi Provincial Forest, the Georgian Bay Provincial Forest, the Nipigon Provincial Forest, the Wanapitei Pro-

vincial Forest and the Kawartha Provincial Forest shall <sup>idem</sup> continue to be set apart and known as provincial forests under such names and shall be used primarily for the production of timber. R.S.O. 1950, c. 297, s. 1, *amended*.

#### ADVISORY COMMITTEE

**45.**—(1) There shall be a committee to be known as the <sup>Advisory Committee, composition and appointment</sup> Advisory Committee to the Minister of Lands and Forests, consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order in Council.

(2) Each of the following interests shall be represented on the Committee: the building industry, education, finance, <sup>Interests to be represented</sup> the forest engineers, labour, the lumber industry, the mining industry, the pulp and paper industry and the railways.

(3) The members of the Committee shall be paid such remuneration and expenses as may be determined by the <sup>Remuneration and expenses</sup> Lieutenant-Governor in Council.

(4) The Committee shall have a secretary who shall be <sup>Secretary</sup> a civil servant and who shall perform such other duties as may be assigned to him.

(5) The Committee shall meet monthly or otherwise as may <sup>Meetings</sup> be agreed upon by the Minister and the Committee.

(6) It shall be the duty of the Committee to advise the <sup>Duties</sup> Minister upon forest policy, either generally or in any particular that may be initiated by the Minister or by the Committee, regard being had to the conservation, development and utilization of the forest resources of Ontario. R.S.O. 1950, c. 147, s. 16.

#### PENALTIES

**46.**—(1) Every person who,

<sup>Penalties</sup>

- (a) commences cutting operations without the approval of the Minister under section 12 or who carries on any cutting operations beyond the limits of the area approved by the Minister under section 12 shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber so cut;

- (b) contravenes subsection 1 of section 13 or any order or direction made under section 24, or any regulation made under clause *h* of section 52, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (c) except under a licence, cuts or employs or induces or assists any other person to cut Crown timber, or removes or employs or induces or assists any other person to remove Crown timber, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (d) contravenes section 39, shall be liable to a penalty of not less than twice and not more than five times the amount of the Crown charges on the timber in respect of which such contravention occurred;
- (e) fails to comply with section 15, shall be liable to a penalty of not less than \$500 and not more than \$5,000;
- (f) when in possession or control of any timber or any product manufactured therefrom, upon request refuses or fails to inform any officer or agent of the name and address of the person from whom such timber or product was received or of any fact within his knowledge respecting such timber, shall be liable to a penalty of not less than \$10 and not more than \$500;
- (g) interferes with any officer or agent who seizes timber under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;
- (h) removes or attempts to remove or interferes or attempts to interfere with any timber or any product manufactured therefrom after it has been seized under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;
- (i) makes or avails himself of any false statement or oath with respect to any matter under this Act, shall be liable to a penalty of not less than \$100 and not more than \$500;



- (j) contravenes section 43 or any regulation made under clause *m* or *o* of section 52, shall be liable to a penalty of not less than \$500 and not more than \$1,000 for the first contravention and to a penalty of not less than \$1,000 and not more than \$5,000 for each subsequent contravention.

(2) Where in the opinion of the Minister a person is liable <sup>Demand for</sup> to a penalty under subsection 1, he may give notice to such <sup>penalty</sup> person by registered mail,

- (a) setting out the facts and circumstances that in his opinion render such person liable to a penalty;
- (b) requiring such person to pay such penalty as he may deem proper in the circumstances; and
- (c) specifying the time within which the penalty shall be paid. *New.*

**47.** If a person fails to pay a penalty in accordance with <sup>Right of</sup> a notice under section 46, the Minister may bring an action <sup>action</sup> for the recovery of such penalty in any court of competent jurisdiction and in such action it shall be the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection 1 of section 46; and
- (b) if it is determined that the person is liable to a penalty to confirm or vary the amount thereof claimed by the Minister; and
- (c) to give such judgment as it may deem proper; and
- (d) to make such order as to costs or otherwise as it may deem proper. *New.*

#### GENERAL

**48.** The Minister by instrument in writing may authorize <sup>Powers conferred on</sup> the Deputy Minister of Lands and Forests or any officer or <sup>Deputy</sup> agent to exercise such of the powers conferred by this Act <sup>Minister, officers, etc.</sup> upon him as may in his opinion properly be exercised by the Deputy Minister or such officer or agent. *New.*

**49.** Everything done by the Minister under the authority <sup>Acts of</sup> of this Act shall be deemed to be of an administrative and <sup>Minister</sup> not of a legislative nature. *New.* <sup>deemed administrative</sup>

Regulations re  
Crown  
dues

**50.**—(1) Notwithstanding anything contained in any general or special Act or in any Order in Council or regulation made pursuant thereto or in any licence, the Lieutenant-Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber or increasing or decreasing the annual ground rent and fire protection charge payable in respect of licensed areas, and such regulations may take effect on the 1st day of April immediately preceding or at a subsequent time that may be specified in such regulations.

Price to  
include  
Crown  
dues

(2) Where by the terms of any licence a price is fixed for any kind or class of timber and such price is stated to be inclusive of Crown dues or a price is fixed without reference to Crown dues, such price shall be deemed to be increased or decreased from time to time, as the case may be, by the amount whereby Crown dues may be increased or decreased under subsection 1. R.S.O. 1950, c. 82, s. 3 (1, 2).

Existing  
licences  
and permits

**51.**—(1) Every licence granted under any predecessor of this Act and subsisting when this Act comes into force shall, subject to subsection 2, continue in force in accordance with the terms of such licence.

Application  
of Act and  
regulations

(2) This Act and the regulations apply to every licence heretofore or hereafter granted and where there is any conflict between this Act or the regulations and any licence, this Act and the regulations govern. *New.*

#### REGULATIONS

Regulations

**52.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the terms and conditions that shall apply to licences, other than those granted under subsection 6 of section 2 or section 4;
- (b) prescribing terms and conditions in addition to those prescribed under clause *a* that may apply to licences to cut Crown timber within a provincial park;
- (c) fixing the amounts of ground rent, fire protection charges or other charges to be paid in respect of licensed areas, and prescribing the percentages of the productive lands included in a licensed area that shall be subject to ground rent and to fire protection charges;

- (d) fixing the Crown dues to be paid in respect of each species of timber, other than damaged timber, cut under licence;
- (e) fixing the times at which Crown charges shall be payable and the rate of interest to be charged on overdue accounts;
- (f) fixing the fees to be paid on the transfer of a licence;
- (g) prescribing the manner in which a seizure of timber may be effected under section 18;
- (h) fixing the minimum size of any species of trees that may be cut under licence;
- (i) defining wasteful practices in forest operations and prescribing the penalties that may be imposed for contravention of any such regulation;
- (j) classifying mills and providing for the issue of licences therefor;
- (k) prescribing the form of mill licences and the fees to be paid therefor;
- (l) prescribing the term of mill licences and providing for the transfer, renewal, suspension and cancellation thereof;
- (m) imposing conditions as to the location of mills, the mechanical efficiency thereof and operating methods of mill licensees, including the disposal of waste or refuse;
- (n) providing for the periodical inspection of mills;
- (o) prescribing the returns that mill licensees shall make to the Minister as to their mills and operations, including the sources, species, quantities and disposition of materials processed;
- (p) prescribing the forms of scalers' licences, special permits and renewals and the fees payable in respect thereof;
- (q) prescribing penalties for the contravention of any provision of this Act or the regulations where no penalty has been fixed by this Act;
- (r) governing the cutting of timber before the issue of a patent by a purchaser or locatee of lands for agri-



cultural purposes under *The Public Lands Act* and prescribing the extent to which and the conditions under which such cutting may be carried on;

- (s) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

#### REPEAL

##### Repeal

**53.** The following Acts are repealed:

Rev. Stat.,  
c. 82

1. *The Crown Timber Act.*

Rev. Stat.,  
c. 84

2. *The Cullers Act.*

Rev. Stat.,  
c. 145

3. *The Forest Management Act.*

Rev. Stat.,  
c. 146

4. *The Forest Resources Regulation Act.*

Rev. Stat.,  
c. 147

5. *The Forestry Act.*

Rev. Stat.,  
c. 234

6. *The Mills Licensing Act.*

Rev. Stat.,  
c. 297

7. *The Provincial Forests Act.*

Rev. Stat.,  
c. 325

8. *The Pulpwood Conservation Act.*

##### Commence- ment

**54.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

##### Short title

**55.** This Act may be cited as *The Crown Timber Act, 1952.*



The Crown Timber Act, 1952

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*1st Reading*

February 26th, 1952

*2nd Reading*

March 12th, 1952

*3rd Reading*

April 9th, 1952

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Mr. Scott

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The County Courts Act**

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. This establishes the five-day week throughout the year for county court offices.

SECTION 2—Subsections 1 and 2. The opening dates for the sittings of the county courts named are changed to the days named in order to meet general convenience.

No. 57

1952

# BILL

## An Act to amend The County Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The County Courts Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 75, s. 7,  
re-enacted

7. Except on Saturdays and holidays, every county court office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

2.—(1) Section 12 of *The County Courts Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 75, s. 12,  
amended

(1a) In each year the sittings of the county court of the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the third Monday in November and without a jury on the first Monday in April and October. Frontenac,  
Grey, Hast-  
ings, Kent,  
Ontario,  
Peter-  
borough,  
Waterloo,  
Welland

(2a) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the fourth Monday in November and without a jury on the first Monday in April and October. Lincoln

(2) Subsection 3 of the said section 12 is amended by striking out the words "first Monday in June and December" in the fourth line and inserting in lieu thereof the words "second Monday in May and November", so that the subsection shall read as follows: Rev. Stat.,  
c. 75, s. 12,  
subs. 3,  
amended

Middlesex

- (3) In each year the sittings of the county court of the county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and November and without a jury on the first Monday in April and October.

Rev. Stat.,  
c. 75, s. 12,  
subs. 7,  
re-enacted

- (3) Subsection 7 of the said section 12 is repealed and the following substituted therefor:

Postpone-  
ment of  
sittings

- (7) The judge of a county court may postpone the date of any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county.

Rev. Stat.,  
c. 75, s. 12,  
subs. 8,  
amended

- (4) Subsection 8 of the said section 12 is amended by striking out the words "in every county in the county court district" in the fourth line, so that the subsection shall read as follows:

Notice of  
postpone-  
ment

- (8) Where any such sittings is so postponed, notice of the postponement and of the date upon which such sittings is to commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of the postponed sittings.

Rev. Stat.,  
c. 75, s. 13,  
cl. a,  
amended

- 3.—(1) Clause *a* of section 13 of *The County Courts Act* is amended by striking out the word "November" in the second line and inserting in lieu thereof the words "the second Monday of December", so that the clause shall read as follows:

- (a) Bracebridge, commencing on the fourth Monday of May and the second Monday of December.

Rev. Stat.,  
c. 75, s. 13,  
cl. h,  
amended

- (2) Clause *h* of the said section 13 is amended by striking out the words "second Tuesday" in the second line and inserting in lieu thereof the words "first Monday", so that the clause shall read as follows:

- (h) Port Arthur, commencing on the first Monday of May and the first Monday of November.

Rev. Stat.,  
c. 75, s. 13,  
cl. i,  
amended

- (3) Clause *i* of the said section 13 is amended by striking out the word "first" in the second line and inserting in lieu thereof the word "last", so that the clause shall read as follows:

- (i) Sault Ste. Marie, commencing on the last Monday of May and the last Tuesday of November.



Subsections 3 and 4. The references to county court districts are deleted as they are obsolete.

SECTION 3. The opening dates for the fall sittings of the district courts at Bracebridge, Port Arthur and Sault Ste. Marie are changed to the days named in order to meet general convenience.



4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
<sup>ment</sup>

(2) Section 1 comes into force on the 1st day of May, 1952. <sup>Idem</sup>

5. This Act may be cited as *The County Courts Amendment Act, 1952*. <sup>Short title</sup>

An Act to amend The County Courts Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The County Courts Act**

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTES

SECTION 1. This establishes the five-day week throughout the year for county court offices.

SECTION 2—Subsections 1 and 2. The opening dates for the sittings of the county courts named are changed to the days named in order to meet general convenience.

# BILL

## An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The County Courts Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 75, s. 7,  
re-enacted

7. Except on Saturdays and holidays when they shall Office hours  
be closed, every county court office shall be kept  
open from 9.30 a.m. until 4.30 p.m.

2.—(1) Section 12 of *The County Courts Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 75, s. 12,  
amended

(1a) In each year the sittings of the county court of the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the third Monday in November and without a jury on the first Monday in April and October. Frontenac,  
Grey, Hast-  
ings, Kent,  
Ontario,  
Peter-  
borough,  
Waterloo,  
Welland

. . . . .

(2a) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the fourth Monday in November and without a jury on the first Monday in April and October. Lincoln

(2) Subsection 3 of the said section 12 is amended by striking out the words "first Monday in June and December" in the fourth line and inserting in lieu thereof the words "second Monday in May and November", so that the subsection shall read as follows: Rev. Stat.,  
c. 75, s. 12,  
subs. 3,  
amended



Middlesex

- (3) In each year the sittings of the county court of the county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and November and without a jury on the first Monday in April and October.

Rev. Stat.,  
c. 75, s. 12,  
subs. 7,  
re-enacted

- (3) Subsection 7 of the said section 12 is repealed and the following substituted therefor:

Postpone-  
ment of  
sittings

- (7) The judge of a county court may postpone the date of any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county.

Rev. Stat.,  
c. 75, s. 12,  
subs. 8,  
amended

- (4) Subsection 8 of the said section 12 is amended by striking out the words "in every county in the county court district" in the fourth line, so that the subsection shall read as follows:

Notice of  
postpone-  
ment

- (8) Where any such sittings is so postponed, notice of the postponement and of the date upon which such sittings is to commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of the postponed sittings.

Rev. Stat.,  
c. 75, s. 13,  
cl. a,  
amended

- 3.—(1) Clause *a* of section 13 of *The County Courts Act* is amended by striking out the word "November" in the second line and inserting in lieu thereof the words "the second Monday of December", so that the clause shall read as follows:

- (a) Bracebridge, commencing on the fourth Monday of May and the second Monday of December.

Rev. Stat.,  
c. 75, s. 13,  
cl. h,  
amended

- (2) Clause *h* of the said section 13 is amended by striking out the words "second Tuesday" in the second line and inserting in lieu thereof the words "first Monday", so that the clause shall read as follows:

- (h) Port Arthur, commencing on the first Monday of May and the first Monday of November.

Rev. Stat.,  
c. 75, s. 13,  
cl. i,  
amended

- (3) Clause *i* of the said section 13 is amended by striking out the word "first" in the second line and inserting in lieu thereof the word "last", so that the clause shall read as follows:

- (i) Sault Ste. Marie, commencing on the last Monday of May and the last Tuesday of November.

Subsections 3 and 4. The references to county court districts are deleted as they are obsolete.

SECTION 3. The opening dates for the fall sittings of the district courts at Bracebridge, Port Arthur and Sault Ste. Marie are changed to the days named in order to meet general convenience.



4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 1 comes into force on the 1st day of May, 1952. <sup>Idem</sup>

5. This Act may be cited as *The County Courts Amendment Act, 1952*. <sup>Short title</sup>

An Act to amend The County Courts Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

---

MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*

No. 57

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The County Courts Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





No. 57

1952

# BILL

## An Act to amend The County Courts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The County Courts Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 75, s. 7,  
re-enacted

7. Except on Saturdays and holidays when they shall be closed, every county court office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

2.—(1) Section 12 of *The County Courts Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 75, s. 12,  
amended

(1a) In each year the sittings of the county court of the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the third Monday in November and without a jury on the first Monday in April and October. Frontenac,  
Grey, Hast-  
ings, Kent,  
Ontario,  
Peter-  
borough,  
Waterloo,  
Welland

. . . . .

(2a) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the fourth Monday in November and without a jury on the first Monday in April and October. Lincoln

(2) Subsection 3 of the said section 12 is amended by striking out the words "first Monday in June and December" in the fourth line and inserting in lieu thereof the words "second Monday in May and November", so that the subsection shall read as follows: Rev. Stat.,  
c. 75, s. 12,  
subs. 3,  
amended

Middlesex

- (3) In each year the sittings of the county court of the county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and November and without a jury on the first Monday in April and October.

Rev. Stat.,  
c. 75, s. 12,  
subs. 7,  
re-enacted

- (3) Subsection 7 of the said section 12 is repealed and the following substituted therefor:

Postpone-  
ment of  
sittings

- (7) The judge of a county court may postpone the date of any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county.

Rev. Stat.,  
c. 75, s. 12,  
subs. 8,  
amended

- (4) Subsection 8 of the said section 12 is amended by striking out the words "in every county in the county court district" in the fourth line, so that the subsection shall read as follows:

Notice of  
postpone-  
ment

- (8) Where any such sittings is so postponed, notice of the postponement and of the date upon which such sittings is to commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of the postponed sittings.

Rev. Stat.,  
c. 75, s. 13,  
cl. a,  
amended

- 3.—(1) Clause *a* of section 13 of *The County Courts Act* is amended by striking out the word "November" in the second line and inserting in lieu thereof the words "the second Monday of December", so that the clause shall read as follows:

- (a) Bracebridge, commencing on the fourth Monday of May and the second Monday of December.

Rev. Stat.,  
c. 75, s. 13,  
cl. h,  
amended

- (2) Clause *h* of the said section 13 is amended by striking out the words "second Tuesday" in the second line and inserting in lieu thereof the words "first Monday", so that the clause shall read as follows:

- (h) Port Arthur, commencing on the first Monday of May and the first Monday of November.

Rev. Stat.,  
c. 75, s. 13,  
cl. i,  
amended

- (3) Clause *i* of the said section 13 is amended by striking out the word "first" in the second line and inserting in lieu thereof the word "last", so that the clause shall read as follows:

- (i) Sault Ste. Marie, commencing on the last Monday of May and the last Tuesday of November.

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
<sup>ment</sup>

(2) Section 1 comes into force on the 1st day of May, 1952. <sup>Idem</sup>

5. This Act may be cited as *The County Courts Amendment Act, 1952.* <sup>Short title</sup>





An Act to amend The County Courts Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

March 25th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The General Sessions Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



#### EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. The opening dates of the sittings of the courts of general sessions of the peace in the counties named are changed to the days named in order to meet general convenience.

Subsections 3 and 4. The references to county court districts are deleted as they are obsolete.

# BILL

## An Act to amend The General Sessions Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 3 of *The General Sessions Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 158, s. 3,  
amended

(1a) In the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland the sittings of the court in each year shall commence on the first Monday in June and the third Monday in November. Frontenac,  
Grey, Hast-  
ings, Kent,  
Ontario,  
Peter-  
borough,  
Waterloo,  
Welland

. . . . .

(3a) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in June and the fourth Monday in November. Lincoln

(2) Subsection 4 of the said section 3 is amended by striking out the words "first Monday in June and the second Monday in November" in the second and third lines and inserting in lieu thereof the words "second Monday in May and November", so that the subsection shall read as follows: Rev. Stat.,  
c. 158, s. 3,  
subs. 4,  
amended

(4) In the county of Middlesex the sittings of the court in each year shall commence on the second Monday in May and November. Middlesex

(3) Subsection 8 of the said section 3 is repealed and the following substituted therefor: Rev. Stat.,  
c. 158, s. 3,  
subs. 8,  
re-enacted

(8) The judge of a county court may postpone any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county. Postpone-  
ment of  
sittings

Rev. Stat.,  
c. 158, s. 3,  
subs. 9,  
amended

(4) Subsection 9 of the said section 3 is amended by striking out the words "in every county in the county court district" in the fourth line, so that the subsection shall read as follows:

Notice of  
postpone-  
ment

(9) Where any such sittings is so postponed, notice of the postponement and of the date upon which the sittings shall commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of such postponed sittings.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The General Sessions Amendment Act, 1952*.







An Act to amend The General Sessions Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

---



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

An Act to amend The General Sessions Act

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MR. PORTER

---



No. 58

1952

# BILL

## An Act to amend The General Sessions Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The General Sessions Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 158, s. 3,  
amended

(1a) In the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland the sittings of the court in each year shall commence on the first Monday in June and the third Monday in November. Frontenac,  
Grey, Hast-  
ings, Kent,  
Ontario,  
Peter-  
borough,  
Waterloo,  
Welland

. . . . .

(3a) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in June and the fourth Monday in November. Lincoln

(2) Subsection 4 of the said section 3 is amended by striking out the words "first Monday in June and the second Monday in November" in the second and third lines and inserting in lieu thereof the words "second Monday in May and November", so that the subsection shall read as follows: Rev. Stat.,  
c. 158, s. 3,  
subs. 4,  
amended

(4) In the county of Middlesex the sittings of the court in each year shall commence on the second Monday in May and November. Middlesex

(3) Subsection 8 of the said section 3 is repealed and the following substituted therefor: Rev. Stat.,  
c. 158, s. 3,  
subs. 8,  
re-enacted

(8) The judge of a county court may postpone any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county. Postpone-  
ment of  
sittings

Rev. Stat.,  
c. 158, s. 3,  
subs. 9,  
amended

(4) Subsection 9 of the said section 3 is amended by striking out the words "in every county in the county court district" in the fourth line, so that the subsection shall read as follows:

Notice of  
postpone-  
ment

(9) Where any such sittings is so postponed, notice of the postponement and of the date upon which the sittings shall commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of such postponed sittings.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The General Sessions Amendment Act, 1952*.









An Act to amend The General Sessions Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading.*

April 1st, 1952

---

MR. PORTER

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No. 59

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Sheriffs Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

SECTION 1. The present maximum of \$4 for a sheriff's certificate respecting executions is inappropriate as instances occur where more than 100 names are included in one certificate.

SECTION 2. This re-enactment provides for the five-day week throughout the year in sheriffs' offices.

At the present time the open hours of these offices correspond with those of the Supreme Court.

SECTION 3. The words deleted are obsolete. They are therefore repealed.

# BILL

## An Act to amend The Sheriffs Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 11 of *The Sheriffs Act* is amended by striking out the symbol and figure "\$4" in the second line and inserting in lieu thereof the symbol and figure "\$100", so that the subsection shall read as follows: Rev. Stat., c. 359, s. 11, subs. 3, amended

(3) The maximum fees payable to a sheriff in respect to such certificate shall be \$100. Maximum fees

2. Section 12 of *The Sheriffs Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 12, re-enacted

12. Except on Saturdays and holidays, every sheriff's office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

3. Section 15 of *The Sheriffs Act* is amended by striking out the words "and every sheriff neglecting or refusing to transmit such quarterly account, or to pay over any money so collected by him, within the time hereby prescribed, shall be liable to the like penalty and may be sued for the same in the same manner as is provided with regard to justices of the peace neglecting or refusing to make the returns required by section 12 of *The Justices of the Peace Act*" in the eleventh to seventeenth lines, so that the section shall read as follows: Rev. Stat., c. 359, s. 15, amended.

15. The sheriff shall quarterly and within twenty days after the expiration of each quarterly period, transmit to the Inspector of Legal Offices a just, true and faithful account, verified upon oath, of all fines, penalties, and forfeitures which he has been required to levy and make by any lawful authority, and of the receipt and application of the same, or the reason why the same have not been received and applied, and he shall pay over to the proper officer or to the Sheriff to make quarterly returns of fines, etc.

person lawfully entitled to receive the same, the several sums collected by him, within twenty days next after the period within which the same have been collected.

Commence-  
ment

4. This Act comes into force on the 1st day of May, 1952.

Short title

5. This Act may be cited as *The Sheriffs Amendment Act, 1952*.









An Act to amend The Sheriffs Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

---

MR. PORTER

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act to amend The Sheriffs Act**

---

MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

SECTION 1. The present maximum of \$4 for a sheriff's certificate respecting executions is inappropriate as instances occur where more than 100 names are included in one certificate.

SECTION 2. This re-enactment provides for the five-day week throughout the year in sheriffs' offices.

At the present time the open hours of these offices correspond with those of the Supreme Court.

SECTION 3. The words deleted are obsolete. They are therefore repealed.

# BILL

## An Act to amend The Sheriffs Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 11 of *The Sheriffs Act* is amended by inserting after the word “names” in the fifth line the words “not exceeding fifteen”, so that the subsection shall read as follows: Rev. Stat.,  
c. 359, s. 11,  
subs. 1,  
amended.

(1) Where, for the purpose of investigating or establishing some title to land, a certificate respecting executions against lands is required from a sheriff, the sheriff if so requested, shall include in one certificate any number of names, not exceeding fifteen, in respect of which the certificates may be required in the same matter or investigation. Certificate  
as to  
executions

(2) Subsection 3 of the said section 11 is amended by striking out the symbol and figure “\$4” in the second line and inserting in lieu thereof the symbol and figure “\$6”, so that the subsection shall read as follows: Rev. Stat.,  
c. 359, s. 11,  
subs. 3,  
amended

(3) The maximum fees payable to a sheriff in respect to such certificate shall be \$6. Maximum  
fees

**2.** Section 12 of *The Sheriffs Act* is repealed and the following substituted therefor:

12. Except on Saturdays and holidays when they shall be closed, every sheriff's office shall be kept open from 9.30 a.m. until 4.30 p.m. Rev. Stat.,  
c. 359, s. 12,  
re-enacted  
  
Office hours

**3.** Section 15 of *The Sheriffs Act* is amended by striking out the words “and every sheriff neglecting or refusing to transmit such quarterly account, or to pay over any money so collected by him, within the time hereby prescribed, shall be liable to the like penalty and may be sued for the same in the same manner as is provided with regard to justices of the peace” Rev. Stat.,  
c. 359, s. 15,  
amended.

neglecting or refusing to make the returns required by section 12 of *The Justices of the Peace Act*" in the eleventh to seventeenth lines, so that the section shall read as follows:

Sheriff to  
make  
quarterly  
returns of  
fines, etc.

15. The sheriff shall quarterly and within twenty days after the expiration of each quarterly period, transmit to the Inspector of Legal Offices a just, true and faithful account, verified upon oath, of all fines, penalties, and forfeitures which he has been required to levy and make by any lawful authority, and of the receipt and application of the same, or the reason why the same have not been received and applied, and he shall pay over to the proper officer or to the person lawfully entitled to receive the same, the several sums collected by him, within twenty days next after the period within which the same have been collected.

Commence-  
ment

4. This Act comes into force on the 1st day of May, 1952.

Short title

5. This Act may be cited as *The Sheriffs Amendment Act, 1952*.









An Act to amend The Sheriffs Act

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*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

---

MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Sheriffs Act

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MR. PORTER

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Sheriffs Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 11 of *The Sheriffs Act* is amended by inserting after the word “names” in the fifth line the words “not exceeding fifteen”, so that the subsection shall read as follows: Rev. Stat.,  
c. 359, s. 11,  
subs. 1,  
amended.

(1) Where, for the purpose of investigating or establishing some title to land, a certificate respecting executions against lands is required from a sheriff, the sheriff if so requested, shall include in one certificate any number of names, not exceeding fifteen, in respect of which the certificates may be required in the same matter or investigation. Certificate  
as to  
executions

(2) Subsection 3 of the said section 11 is amended by striking out the symbol and figure “\$4” in the second line and inserting in lieu thereof the symbol and figure “\$6”, so that the subsection shall read as follows: Rev. Stat.,  
c. 359, s. 11,  
subs. 3,  
amended

(3) The maximum fees payable to a sheriff in respect to such certificate shall be \$6. Maximum  
fees

2. Section 12 of *The Sheriffs Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 359, s. 12,  
re-enacted

12. Except on Saturdays and holidays when they shall be closed, every sheriff's office shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

3. Section 15 of *The Sheriffs Act* is amended by striking out the words “and every sheriff neglecting or refusing to transmit such quarterly account, or to pay over any money so collected by him, within the time hereby prescribed, shall be liable to the like penalty and may be sued for the same in the same manner as is provided with regard to justices of the peace” Rev. Stat.,  
c. 359, s. 15,  
amended.

neglecting or refusing to make the returns required by section 12 of *The Justices of the Peace Act*" in the eleventh to seventeenth lines, so that the section shall read as follows:

Sheriff to  
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fines, etc.

15. The sheriff shall quarterly and within twenty days after the expiration of each quarterly period, transmit to the Inspector of Legal Offices a just, true and faithful account, verified upon oath, of all fines, penalties, and forfeitures which he has been required to levy and make by any lawful authority, and of the receipt and application of the same, or the reason why the same have not been received and applied, and he shall pay over to the proper officer or to the person lawfully entitled to receive the same, the several sums collected by him, within twenty days next after the period within which the same have been collected.

Commence-  
ment

4. This Act comes into force on the 1st day of May, 1952.

Short title

5. This Act may be cited as *The Sheriffs Amendment Act, 1952*.









BILL

An Act to amend The Sheriffs Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

March 25th, 1952

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MR. PORTER

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No. 60

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Judicature Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. The provision repealed refers to special juries and is complementary to amendments to *The Jurors Act* abolishing special juries.

SECTION 2. This re-enactment provides for a five-day week throughout the year in the offices of the Supreme Court. Similar amendments are being made to *The County Courts Act*, *The Division Courts Act*, *The Land Titles Act*, *The Registry Act*, *The Sheriffs Act* and *The Surrogate Courts Act*.

At the present time the offices of the Supreme Court are open from 10 a.m. until 4 p.m. except on Saturdays when they close at 1 p.m. During the short vacation in December and the long vacation in July and August they are open from 10 a.m. until 1 p.m. except on Saturdays when they close at 12 noon.

No. 60

1952

# BILL

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 60 of *The Judicature Act* is repealed. Rev. Stat.,  
c. 190, s. 60,  
subs. 2,  
repealed

**2.** Section 89 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 190, s. 89,  
re-enacted

89. Except on Saturdays and holidays, every local registrar's office and the offices of the Supreme Court at Osgoode Hall shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

**3.** Section 2 comes into force on the 1st day of May, 1952. Commence-  
ment

**4.** This Act may be cited as *The Judicature Amendment Act, 1952*. Short title



An Act to amend The Judicature Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Judicature Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 2. The provision repealed refers to special juries and is complementary to amendments to *The Jurors Act* abolishing special juries.

SECTION 3. This re-enactment provides for a five-day week throughout the year in the offices of the Supreme Court. Similar amendments are being made to *The County Courts Act*, *The Division Courts Act*, *The Land Titles Act*, *The Registry Act*, *The Sheriffs Act* and *The Surrogate Courts Act*.

At the present time the offices of the Supreme Court are open from 10 a.m. until 4 p.m. except on Saturdays when they close at 1 p.m. During the short vacation in December and the long vacation in July and August they are open from 10 a.m. until 1 p.m. except on Saturdays when they close at 12 noon.


No. 60

1952

# BILL

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 1. *The Judicature Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 190,  
amended

### WEEKLY COURTS

44a.—(1) Sittings of the High Court shall be held in accordance with the rules of court at Ottawa and London and at such other places as such rules may provide on at least one day in each week, except during vacation. Ottawa,  
London, etc.

(2) Nothing in subsection 1 shall affect any other sittings of the High Court. Toronto

2. Subsection 2 of section 60 of *The Judicature Act* is repealed. Rev. Stat.,  
c. 190, s. 60,  
subs. 2,  
repealed

3. Section 89 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 190, s. 89,  
re-enacted

89. Except on Saturdays and holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court at Osgoode Hall shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

4. Section 3 comes into force on the 1st day of May, 1952. Commence-  
ment

5. This Act may be cited as *The Judicature Amendment Act, 1952*. Short title

BILL

An Act to amend The Judicature Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Judicature Act

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MR. PORTER

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act to amend The Judicature Act

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1. *The Judicature Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 190,  
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44a.—(1) Sittings of the High Court shall be held in accordance with the rules of court at Ottawa and London and at such other places as such rules may provide on at least one day in each week, except during vacation. Ottawa,  
London, etc

(2) Nothing in subsection 1 shall affect any other sittings of the High Court. Toronto

2. Subsection 2 of section 60 of *The Judicature Act* is repealed. Rev. Stat.,  
c. 190, s. 60  
subs. 2,  
repealed

3. Section 89 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 190, s. 89  
re-enacted

89. Except on Saturdays and holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court at Osgoode Hall shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours

4. Notwithstanding section 2, subsection 2 of section 60 of *The Judicature Act* remains in force as regards and is applicable to every case that is commenced before this Act comes into force. Pending  
cases

5. Section 3 comes into force on the 1st day of May, 1952. Commence-  
ment

6. This Act may be cited as *The Judicature Amendment Act, 1952*. Short title

BILL

An Act to amend The Judicature Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee  
of the Whole House)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Judicature Act

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MR. PORTER

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No. 60

1952

# BILL

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Judicature Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 190,  
amended

### WEEKLY COURTS

- 44a.—(1) Sittings of the High Court shall be held in accordance with the rules of court at Ottawa and London and at such other places as such rules may provide on at least one day in each week, except during vacation. Ottawa,  
London, etc.
- (2) Nothing in subsection 1 shall affect any other sittings of the High Court. Toronto
2. Subsection 2 of section 60 of *The Judicature Act* is repealed. Rev. Stat.,  
c. 190, s. 60,  
subs. 2,  
repealed
3. Section 89 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 190, s. 89,  
re-enacted
89. Except on Saturdays and holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court at Osgoode Hall shall be kept open from 9.30 a.m. until 4.30 p.m. Office hours
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cases
5. Section 3 comes into force on the 1st day of May, 1952. Commence-  
ment
6. This Act may be cited as *The Judicature Amendment Act, 1952*. Short title

BILL

An Act to amend The Judicature Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

March 27th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Jurors Act**

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. This amendment will permit the local selectors of jurors to make use of the assessment roll returned in the year in which the selection is being made instead of reverting to the previous year's voters' list, in cases where the current year's voters' list has been neither certified nor published by the clerk.

SECTIONS 2, 3, 4 and 5. The sections of *The Jurors Act* amended or repealed deal with special juries and the effect will be to abolish special juries.

# BILL

## An Act to amend The Jurors Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 191, s. 17,  
subs. 1,  
re-enacted

(1) The local selectors shall,

Manner in  
which local  
selectors to  
make list  
from which  
to select  
jurors

(a) from the certified voters' list prepared for the municipality in the year; or

(b) if the list has not been certified, then from the voters' list published by the clerk of the municipality in the year; or

(c) if the list has not been published, then from the assessment roll of the municipality returned in the year; or

(d) if the assessment roll has not been returned, then from the last revised assessment roll of the municipality,

write down twice as many of the names of the persons appearing by the assessment roll to be possessed of the requisite property qualification and otherwise qualified to serve as jurors, as have been required by the county selectors to be selected and returned from the municipality; and the proper assessment roll shall in all cases be referred to by the local selectors for the purpose of determining who are exempt or disqualified from acting as jurors, and for such other purposes as are necessary in the discharge of their duty.

2. Subsection 1 of section 64 of *The Jurors Act* is amended by striking out the words "not being special juries" in the second line, so that the subsection shall read as follows:

Rev. Stat.,  
c. 191, s. 64,  
subs. 1,  
amended

Jurors to  
be sum-  
moned  
10 or 15  
days before  
attendance  
required

- (1) The sheriff shall summon every person drafted to serve on grand juries or petit juries, by sending to him by registered mail a notice in writing (Form 3, Schedule D) under the hand of the sheriff, at least 10 days in the case of a county and at least 15 days in the case of a provisional judicial district before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such 10 or 15 days service, as the case may be, shall not be necessary.

Rev. Stat.,  
c. 191, ss. 65,  
77, 79-86,  
repealed

- 3.** Sections 65, 77, 79, 80, 81, 82, 83, 84, 85 and 86 of *The Jurors Act* are repealed.

Rev. Stat.,  
c. 191, s. 88,  
amended

- 4.** Section 88 of *The Jurors Act* is amended by striking out the words "the drafting of panels from the jury lists, or the striking of special juries" in the fourth and fifth lines and inserting in lieu thereof the words "or the drafting of panels from the jury lists", so that the section shall read as follows:

Omissions  
to observe  
this Act not  
to vitiate  
the verdict

88. The omission to observe any of the provisions of this Act as respects the qualification, selection, balloting and distribution of jurors, the preparation of the jurors' book, the selecting of jury lists from the jurors' rolls, or the drafting of panels from the jury lists shall not be a ground of impeaching the verdict or judgment in any action.

Rev. Stat.,  
c. 191, s. 95;  
Sched. B,  
Form 10,  
repealed

- 5.** Section 95 and Form 10 of Schedule B of *The Jurors Act* are repealed.

Short title

- 6.** This Act may be cited as *The Jurors Amendment Act, 1952*.







An Act to amend The Jurors Act

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

MR. PORTER



1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Jurors Act**

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MR. PORTER

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. This amendment will permit the local selectors of jurors to make use of the assessment roll returned in the year in which the selection is being made instead of reverting to the previous year's voters' list, in cases where the current year's voters' list has been neither certified nor published by the clerk.

SECTIONS 2, 3, 4 and 5. The sections of *The Jurors Act* amended or repealed deal with special juries and the effect will be to abolish special juries.

No. 61

1952

# BILL

## An Act to amend The Jurors Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 191, s. 17,  
subs. 1,  
re-enacted

(1) The local selectors shall,

Manner in  
which local  
selectors to  
make list  
from which  
to select  
jurors

(a) from the certified voters' list prepared for the municipality in the year; or

(b) if the list has not been certified, then from the voters' list published by the clerk of the municipality in the year; or

(c) if the list has not been published, then from the assessment roll of the municipality returned in the year; or

(d) if the assessment roll has not been returned, then from the last revised assessment roll of the municipality,

write down twice as many of the names of the persons appearing by the assessment roll to be possessed of the requisite property qualification and otherwise qualified to serve as jurors, as have been required by the county selectors to be selected and returned from the municipality; and the proper assessment roll shall in all cases be referred to by the local selectors for the purpose of determining who are exempt or disqualified from acting as jurors, and for such other purposes as are necessary in the discharge of their duty.

2. Subsection 1 of section 64 of *The Jurors Act* is amended by striking out the words "not being special juries" in the second line, so that the subsection shall read as follows:

Rev. Stat.,  
c. 191, s. 64,  
subs. 1,  
amended

Jurors to  
be sum-  
moned  
10 or 15  
days before  
attendance  
required

- (1) The sheriff shall summon every person drafted to serve on grand juries or petit juries, by sending to him by registered mail a notice in writing (Form 3, Schedule D) under the hand of the sheriff, at least 10 days in the case of a county and at least 15 days in the case of a provisional judicial district before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such 10 or 15 days service, as the case may be, shall not be necessary.

Rev. Stat.,  
c. 191, ss. 65,  
77, 79-86,  
repealed

3. Sections 65, 77, 79, 80, 81, 82, 83, 84, 85 and 86 of *The Jurors Act* are repealed.

Rev. Stat.,  
c. 191, s. 88,  
amended

4. Section 88 of *The Jurors Act* is amended by striking out the words "the drafting of panels from the jury lists, or the striking of special juries" in the fourth and fifth lines and inserting in lieu thereof the words "or the drafting of panels from the jury lists", so that the section shall read as follows:

Omissions  
to observe  
this Act not  
to vitiate  
the verdict

88. The omission to observe any of the provisions of this Act as respects the qualification, selection, balloting and distribution of jurors, the preparation of the jurors' book, the selecting of jury lists from the jurors' rolls, or the drafting of panels from the jury lists shall not be a ground of impeaching the verdict or judgment in any action.

Rev. Stat.,  
c. 191, s. 95;  
Sched. B,  
Form 10,  
repealed

5. Section 95 and Form 10 of Schedule B of *The Jurors Act* are repealed.

Pending  
cases

6. Notwithstanding sections 2, 3, 4 and 5, all the provisions of *The Jurors Act* respecting special juries remain in force as regards and are applicable to every case that is commenced before this Act comes into force.

Short title

7. This Act may be cited as *The Jurors Amendment Act, 1952*.









An Act to amend The Jurors Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee  
of the Whole House)*

No. 61

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Jurors Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 61

1952

# BILL

## An Act to amend The Jurors Act

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1. Subsection 1 of section 17 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 191, s. 17,  
subs. 1,  
re-enacted

(1) The local selectors shall,

Manner in  
which local  
selectors to  
make list  
from which  
to select  
jurors

- (a) from the certified voters' list prepared for the municipality in the year; or
- (b) if the list has not been certified, then from the voters' list published by the clerk of the municipality in the year; or
- (c) if the list has not been published, then from the assessment roll of the municipality returned in the year; or
- (d) if the assessment roll has not been returned, then from the last revised assessment roll of the municipality,

write down twice as many of the names of the persons appearing by the assessment roll to be possessed of the requisite property qualification and otherwise qualified to serve as jurors, as have been required by the county selectors to be selected and returned from the municipality; and the proper assessment roll shall in all cases be referred to by the local selectors for the purpose of determining who are exempt or disqualified from acting as jurors, and for such other purposes as are necessary in the discharge of their duty.

2. Subsection 1 of section 64 of *The Jurors Act* is amended by striking out the words "not being special juries" in the second line, so that the subsection shall read as follows:

Rev. Stat.,  
c. 191, s. 64,  
subs. 1,  
amended

Jurors to  
be sum-  
moned  
10 or 15  
days before  
attendance  
required

- (1) The sheriff shall summon every person drafted to serve on grand juries or petit juries, by sending to him by registered mail a notice in writing (Form 3, Schedule D) under the hand of the sheriff, at least 10 days in the case of a county and at least 15 days in the case of a provisional judicial district before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such 10 or 15 days service, as the case may be, shall not be necessary.

Rev. Stat.,  
c. 191, ss. 65,  
77, 79-86,  
repealed

- 3.** Sections 65, 77, 79, 80, 81, 82, 83, 84, 85 and 86 of *The Jurors Act* are repealed.

Rev. Stat.,  
c. 191, s. 88,  
amended

- 4.** Section 88 of *The Jurors Act* is amended by striking out the words "the drafting of panels from the jury lists, or the striking of special juries" in the fourth and fifth lines and inserting in lieu thereof the words "or the drafting of panels from the jury lists", so that the section shall read as follows:

Omissions  
to observe  
this Act not  
to vitiate  
the verdict

88. The omission to observe any of the provisions of this Act as respects the qualification, selection, balloting and distribution of jurors, the preparation of the jurors' book, the selecting of jury lists from the jurors' rolls, or the drafting of panels from the jury lists shall not be a ground of impeaching the verdict or judgment in any action.

Rev. Stat.,  
c. 191, s. 95;  
Sched. B,  
Form 10,  
repealed

- 5.** Section 95 and Form 10 of Schedule B of *The Jurors Act* are repealed.

Pending  
cases

- 6.** Notwithstanding sections 2, 3, 4 and 5, all the provisions of *The Jurors Act* respecting special juries remain in force as regards and are applicable to every case that is commenced before this Act comes into force.

Short title

- 7.** This Act may be cited as *The Jurors Amendment Act, 1952*.









BILL

An Act to amend The Jurors Act

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*1st Reading*

February 27th, 1952

*2nd Reading*

February 29th, 1952

*3rd Reading*

March 27th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Securities Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

SECTION 1. Section 47 of this Act deals with the securities of mining companies, industrial companies and investment companies.

Subsection 1 covers deals in which the seller has solicited the purchaser and subsection 2 covers deals in which the seller has not solicited the purchaser. Both require a copy of the prospectus, financial statements and reports, and the property and development report to be delivered to the purchaser before the sale is made.

This feature is retained with respect to both types of deals. See subsection 2 as amended.

Subsection 1 as re-enacted is new. It deals with pre-sale solicitations.

No. 62

1952

# BILL

## An Act to amend The Securities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 47 of *The Securities Act* Rev. Stat., c. 351, s. 47, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) Every person or company registered for trading in securities under this Act who or which sends Or Delivery of summary of prospectus delivers to any person a circular, pamphlet or letter soliciting him to purchase or offering to sell him a security to which section 38, 39 or 40 applies shall, with the first such circular, pamphlet or letter sent or delivered to such person, send or deliver a copy of a summary of the prospectus, financial statements and reports required under section 38, 39 or 40 in a form that is acceptable to the Commission, and such summary shall contain a statement at the end thereof in easily legible letters, which shall not be smaller than the letters in the main portion thereof, that a copy of the prospectus will be sent on request.

(2) Subsection 2 of the said section 47 is amended by Rev. Stat., c. 351, s. 47, subs. 2, amended striking out the words "and who has not solicited such person to purchase such security" in the fourth and fifth lines, so that the subsection shall read as follows:

- (2) Every person or company registered for trading in securities under this Act who receives from any person an order or subscription for a security to which section 38, 39, or 40 is applicable shall, at any time not later than the delivery of the written confirmation of the sale of such security, deliver or cause to be delivered to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with, Prospectus to be delivered to purchaser

- (a) a copy of the last financial statements and reports accepted for filing by the Commission,

where financial statements and reports are required to be filed; and

- (b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where the report is required to be filed.

Rev. Stat.,  
c. 351, s. 64,  
subs. 2,  
amended

**2.** Subsection 2 of section 64 of *The Securities Act* is amended by striking out the words "six months" in the second line and inserting in lieu thereof the words "one year", so that the subsection shall read as follows:

Commence-  
ment  
proceedings

- (2) No proceedings under section 63 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Short title

**3.** This Act may be cited as *The Securities Amendment Act, 1952*.

## SECTION 2. Self-explanatory.







An Act to amend The Securities Act

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

MR. PORTER

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Securities Act**

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MR. PORTER

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*(Reprinted for consideration by the Committee  
of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 351,  
amended

47a.—(1) Notwithstanding section 47, every person or company to which that section applies and that delivers to any person a circular, pamphlet or letter soliciting him to purchase or offering to sell him a security to which section 38 applies, may, with the first such circular, pamphlet or letter delivered to such person, deliver a copy of a concise statement of facts taken from the prospectus, financial statements and reports required under section 38 that is acceptable to the Commission, and such statement shall contain a notice at the end thereof in easily legible letters which shall not be smaller than the letters in the main portion thereof, that a copy of the prospectus will be sent on request. Alternative  
method  
applicable  
to securities  
of mining  
companies

(2) Every person or company that acts under subsection 1 and that receives from a person to whom the concise statement of facts mentioned therein was delivered, an order or subscription for a security to which section 38 applies, shall at any time not later than delivery of the written confirmation of the sale of such security, deliver to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with, Idem

(a) a copy of the last financial statements and reports accepted for filing by the Commission where financial statements and reports are required to be filed; and

(b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where the report is required to be filed.

Rev. Stat.,  
c. 351, s. 64,  
subs. 2,  
amended

**2.** Subsection 2 of section 64 of *The Securities Act* is amended by striking out the words "six months" in the second line and inserting in lieu thereof the words "one year", so that the subsection shall read as follows:

Commence-  
ment  
proceedings

- (2) No proceedings under section 63 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Short title

**3.** This Act may be cited as *The Securities Amendment Act, 1952*.









An Act to amend The Securities Act

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*1st Reading*

February 27th, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted for consideration by the Committee  
of the Whole House)*

No. 62

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Securities Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Securities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 351,  
amended

47a.—(1) Notwithstanding section 47, every person or company to which that section applies and that delivers to any person a circular, pamphlet or letter soliciting him to purchase or offering to sell him a security to which section 38 applies, may, with the first such circular, pamphlet or letter delivered to such person, deliver a copy of a concise statement of facts taken from the prospectus, financial statements and reports required under section 38 that is acceptable to the Commission, and such statement shall contain a notice at the end thereof in easily legible letters which shall not be smaller than the letters in the main portion thereof, that a copy of the prospectus will be sent on request. Alternative  
method  
applicable  
to securities  
of mining  
companies

(2) Every person or company that acts under subsection 1 and that receives from a person to whom the concise statement of facts mentioned therein was delivered, an order or subscription for a security to which section 38 applies, shall at any time not later than delivery of the written confirmation of the sale of such security, deliver to such person a copy of the prospectus or amended prospectus, whichever is the last filed with the Commission, together with, Idem

(a) a copy of the last financial statements and reports accepted for filing by the Commission where financial statements and reports are required to be filed; and

(b) a fair and accurate summary of the report on the property of the company and the development thereof, with any corrections, where the report is required to be filed.



Rev. Stat.,  
c. 351, s. 64,  
subs. 2,  
amended

**2.** Subsection 2 of section 64 of *The Securities Act* is amended by striking out the words "six months" in the second line and inserting in lieu thereof the words "one year", so that the subsection shall read as follows:

Commence-  
ment  
proceedings

- (2) No proceedings under section 63 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Short title

**3.** This Act may be cited as *The Securities Amendment Act, 1952*.







BILL

An Act to amend The Securities Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

March 3rd, 1952

*3rd Reading*

March 27th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Mothers' Allowances Act, 1952**

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MR. GOODFELLOW

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#### EXPLANATORY NOTES

The principles of the present Act are continued with the following exceptions:

1. A Director is substituted for the Commission.
2. Applications may now be made in respect of children up to 18 years of age in place of the present 16 years.
3. Allowances in respect of an incapacitated husband will be continued so long as an allowance is being paid in respect of any child in the family.



No. 63

1952

# BILL

## The Mothers' Allowances Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "allowance" means allowance under this Act;
- (b) "beneficiary" means a person receiving an allowance;
- (c) "Director" means Director of the Mothers' Allowances Branch of the Department of Public Welfare;
- (d) "investigator" means a person designated as such under the regulations and includes a field worker of the Department of Public Welfare;
- (e) "local authority" means the public welfare administrator or public welfare commissioner, if any, or if neither, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare and any person authorized by the public welfare administrator or public welfare commissioner to act on his behalf;
- (f) "Minister" means Minister of Public Welfare;
- (g) "mother" includes a woman who in the opinion of the Director is a suitable foster mother and a person who acts as trustee for an applicant or beneficiary pursuant to the regulations;
- (h) "regulations" means regulations made under this Act.  
R.S.O. 1950, c. 242, s. 1, *amended*.

**2.** Subject to this Act and the regulations, a monthly allowance may be paid to a mother towards the support of <sup>When allow-  
ance may be  
paid</sup>

one or more of her children who are under eighteen years of age and who reside with her in circumstances under which they would not be cared for properly without the assistance of an allowance,

- (a) if she is a widow;
- (b) if her husband has deserted her and has not been heard of for at least one year;
- (c) if her husband, by reason of mental or physical disability, is permanently unemployable; or
- (d) if she has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance, or if made, the father has failed to carry out his obligations and has not been heard of for at least one year,

but in no case shall an allowance be paid,

- (e) unless the mother resided in Ontario at the time she made the application for an allowance and had then been resident therein for at least one year;
- (f) unless the mother continues to reside in Ontario with her dependent children; and
- (g) unless the mother is, in the opinion of the Director, a suitable person to receive an allowance.

Allowance  
for in-  
capacitated  
husband

(2) Where a mother qualifies for an allowance under clause *c* of subsection 1, an additional allowance may be paid in respect of the husband in the same amount and manner as if the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the mother under this Act ceases to be paid.

Children  
under 16

(3) No allowance shall be paid under this Act in respect of a child under sixteen years of age, other than a child coming within subsection 5, unless the child, if of school age, is attending school.

Children  
16-18

(4) No allowance shall be paid under this Act in respect of a child more than sixteen years of age and under eighteen years of age, other than a child coming within subsection 5, unless the child is attending school and, in the opinion of the Director, is making satisfactory progress.

(5) Notwithstanding subsections 3 and 4, an allowance may be paid in respect of a child who is unable to attend school by reason of a mental or physical disability, but not after the child becomes eighteen years of age. Children under disability

(6) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being granted in respect of children dependent upon a mother who is not strictly eligible for an allowance under this section, the Lieutenant-Governor in Council may direct the payment of an allowance to such mother and fix the amount thereof. Special cases  
1951, c. 52, s. 2, *amended*.

**3.—**(1) There shall be a Director of Mothers' Allowances appointed by the Lieutenant-Governor in Council. Director, appointment

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate. Acting Director *New*.

(3) It shall be the duty of the Director, Duties of Director

(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant to receive an allowance, and where the applicant is eligible to determine the amount thereof and to direct payment accordingly. R.S.O. 1950, c. 242, s. 4, *amended*.

(4) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act or the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise. Decisions of Director R.S.O. 1950, c. 242, s. 5, *amended*.

**4.—**(1) The council of a municipality, subject to the approval of the Minister, may appoint a person or persons as local authority or local authorities for the municipality in place of the clerk of the municipality. Local authorities

(2) Every local authority is, in the performance of his duties, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Idem *New*. Rev. Stat., c. 57

**5.** The allowances and the expenses of the administration of this Act are payable out of the moneys appropriated therefor by the Legislature. Allowances and expenses R.S.O. 1950, c. 242, s. 8.

**6.** The Lieutenant-Governor in Council may make regulations, Regulations

- (a) prescribing the maximum amounts of allowances;
- (b) providing for the payment of the whole or part of the cost of providing medical and dental services to beneficiaries and their dependants under this Act;
- (c) governing the manner of making application for an allowance;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;
- (i) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by whom or on whose behalf application has been made for an allowance;
- (j) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
- (k) fixing the intervals at which and the manner in which allowances shall be paid;
- (l) prescribing the forms for use under this Act;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 242, s. 6, *amended*.

Rev. Stat.,  
c. 242;  
1951, c. 52,  
repealed

**7.** *The Mothers' Allowances Act* and *The Mothers' Allowances Amendment Act, 1951* are repealed.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Mothers' Allowances Act, 1952*.



The Mothers' Allowances Act, 1952

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

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MR. GOODFELLOW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**The Mothers' Allowances Act, 1952**

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MR. GOODFELLOW

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# BILL

## The Mothers' Allowances Act, 1952

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Inter-  
pretation

- (a) "allowance" means allowance under this Act;
- (b) "beneficiary" means a person receiving an allowance;
- (c) "Director" means Director of the Mothers' Allowances Branch of the Department of Public Welfare;
- (d) "investigator" means a person designated as such under the regulations and includes a field worker of the Department of Public Welfare;
- (e) "local authority" means the public welfare administrator or public welfare commissioner, if any, or if neither, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare and any person authorized by the public welfare administrator or public welfare commissioner to act on his behalf;
- (f) "Minister" means Minister of Public Welfare;
- (g) "mother" includes a woman who in the opinion of the Director is a suitable foster mother and a person who acts as trustee for an applicant or beneficiary pursuant to the regulations;
- (h) "regulations" means regulations made under this Act.  
R.S.O. 1950, c. 242, s. 1, *amended*.

**2.** Subject to this Act and the regulations, a monthly allowance may be paid to a mother towards the support of <sup>When allow-  
ance may be  
paid</sup>

one or more of her children who are under eighteen years of age and who reside with her in circumstances under which they would not be cared for properly without the assistance of an allowance,

- (a) if she is a widow;
- (b) if her husband has deserted her and has not been heard of for at least one year;
- (c) if her husband, by reason of mental or physical disability, is permanently unemployable; or
- (d) if she has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance, or if made, the father has failed to carry out his obligations and has not been heard of for at least one year,

but in no case shall an allowance be paid,

- (e) unless the mother resided in Ontario at the time she made the application for an allowance and had then been resident therein for at least one year;
- (f) unless the mother continues to reside in Ontario with her dependent children; and
- (g) unless the mother is, in the opinion of the Director, a suitable person to receive an allowance.

Allowance  
for in-  
capacitated  
husband

(2) Where a mother qualifies for an allowance under clause *c* of subsection 1, an additional allowance may be paid in respect of the husband in the same amount and manner as if the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the mother under this Act ceases to be paid.

Children  
under 16

(3) No allowance shall be paid under this Act in respect of a child under sixteen years of age, other than a child coming within subsection 5, unless the child, if of school age, is attending school.

Children  
16-18

(4) No allowance shall be paid under this Act in respect of a child more than sixteen years of age and under eighteen years of age, other than a child coming within subsection 5, unless the child is attending school and, in the opinion of the Director, is making satisfactory progress.

(5) Notwithstanding subsections 3 and 4, an allowance may be paid in respect of a child who is unable to attend school by reason of a mental or physical disability, but not after the child becomes eighteen years of age. Children under disability

(6) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being granted in respect of children dependent upon a mother who is not strictly eligible for an allowance under this section, the Lieutenant-Governor in Council may direct the payment of an allowance to such mother and fix the amount thereof. Special cases  
1951, c. 52, s. 2, *amended*.

**3.**—(1) There shall be a Director of Mothers' Allowances appointed by the Lieutenant-Governor in Council. Director, appointment

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate. Acting Director *New*.

(3) It shall be the duty of the Director, Duties of Director

(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant to receive an allowance, and where the applicant is eligible to determine the amount thereof and to direct payment accordingly. R.S.O. 1950, c. 242, s. 4, *amended*.

(4) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act or the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise. Decisions of Director R.S.O. 1950, c. 242, s. 5, *amended*.

**4.**—(1) The council of a municipality, subject to the approval of the Minister, may appoint a person or persons as local authority or local authorities for the municipality in place of the clerk of the municipality. Local authorities

(2) Every local authority is, in the performance of his duties, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. Idem *New*. Rev. Stat., c. 57

**5.** The allowances and the expenses of the administration of this Act are payable out of the moneys appropriated therefor by the Legislature. Allowances and expenses R.S.O. 1950, c. 242, s. 8.

**6.** The Lieutenant-Governor in Council may make regulations, Regulations

- (a) prescribing the maximum amounts of allowances;
- (b) providing for the payment of the whole or part of the cost of providing medical and dental services to beneficiaries and their dependants under this Act;
- (c) governing the manner of making application for an allowance;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;
- (i) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by whom or on whose behalf application has been made for an allowance;
- (j) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
- (k) fixing the intervals at which and the manner in which allowances shall be paid;
- (l) prescribing the forms for use under this Act;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 242, s. 6, *amended*.

Rev. Stat.,  
c. 242;  
1951, c. 52,  
repealed

**7.** *The Mothers' Allowances Act* and *The Mothers' Allowances Amendment Act, 1951* are repealed.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Mothers' Allowances Act, 1952*.





The Mothers' Allowances Act, 1952

---

*1st Reading*

February 27th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

April 1st, 1952

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MR. GOODFELLOW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Homes for the Aged Act**

---

MR. GOODFELLOW

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#### EXPLANATORY NOTE

The clause amended specifies one of the requirements for admission to a home for the aged. The words added are designed to improve the administration of the Act in so far as the signing of these authorizations is concerned.

No. 64

1952

# BILL

## An Act to amend The Homes for the Aged Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 4 of section 9 of *The Homes for the Aged Act* is amended by striking out the words "a municipality" in the second line and inserting in lieu thereof the words "the council of a city, town, village or township, or, in a city having a population of not less than 100,000, by such other member of the council as the mayor may designate", so that the clause shall read as follows:

Rev. Stat.,  
c. 168, s. 9,  
subs. 4, cl. *a*,  
amended

- (a) an authorization in the prescribed form signed by the head of the council of a city, town, village or township, or, in a city having a population of not less than 100,000, by such other member of the council as the mayor may designate, or, where there is a welfare unit, by the administrator, or, in a district where there is no welfare unit and where the person resides in unorganized territory, by the provincial welfare administrator of the district.

2. This Act may be cited as *The Homes for the Aged Amendment Act, 1952*. Short title

An Act to amend 'The Homes  
for the Aged Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

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MR. GOODFELLOW

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Homes for the Aged Act**

---

MR. GOODFELLOW

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*(Reprinted for consideration by the Committee  
of the Whole House) ,*

#### EXPLANATORY NOTE

The clause as re-enacted specifies one of the requirements for admission to a home for the aged. The words added are designed to improve the administration of the Act in so far as the signing of these authorizations is concerned.

No. 64

1952

# BILL

## An Act to amend The Homes for the Aged Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 4 of section 9 of *The Homes for the Aged Act* is repealed and the following substituted therefor: Rev. Stat., c. 168, s. 9, subs. 4, cl. *a* re-enacted

- (a) an authorization in the prescribed form signed by the head of the council of a city, town, village or township, or in a county in which the county council has designated the warden to sign such authorizations, by the warden, or in a city having a population of not less than 100,000, by such member of the council as the mayor has designated, or where the person resides in unorganized territory, by the provincial welfare administrator of the district.

2. This Act may be cited as *The Homes for the Aged Amendment Act, 1952*. Short title



An Act to amend The Homes  
for the Aged Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

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MR. GOODFELLOW

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(Reprinted for consideration by the Committee  
of the Whole House)

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Homes for the Aged Act**

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MR. GOODFELLOW

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No. 64

1952

# BILL

## An Act to amend The Homes for the Aged Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 4 of section 9 of *The Homes for the Aged Act* is repealed and the following substituted therefor: Rev. Stat., c. 168, s. 9, subs. 4, cl. *a* re-enacted

- (a) an authorization in the prescribed form signed by the head of the council of a city, town, village or township, or in a county in which the county council has designated the warden to sign such authorizations, by the warden, or in a city having a population of not less than 100,000, by such member of the council as the mayor has designated, or where the person resides in unorganized territory, by the provincial welfare administrator of the district.

**2.** This Act may be cited as *The Homes for the Aged Amendment Act, 1952*. Short title

BILL

An Act to amend The Homes  
for the Aged Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

April 7th, 1952

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MR. GOODFELLOW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Old Age Assistance**  
**Act, 1951**

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MR. GOODFELLOW

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#### EXPLANATORY NOTES

SECTION 1. The definition of "local authority" is broadened in order to improve administrative practices in large cities.

SECTION 2. This provision will remove any doubt that may exist as to the authority of Ontario to pay "assistance" as defined in the Act.



No. 65

1952

# BILL

## An Act to amend The Old Age Assistance Act, 1951

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Old Age Assistance Act, 1951* is amended by adding at the end thereof the words "and any person authorized by a public welfare administrator or public welfare commissioner to act on his behalf", so that the clause shall read as follows:

(d) "local authority" means the public welfare administrator or public welfare commissioner, if any, or if neither, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare and any person authorized by a public welfare administrator or public welfare commissioner to act on his behalf.

2. Section 2 of *The Old Age Assistance Act, 1951* is amended by adding thereto the following subsection:

(2) Assistance may be paid in accordance with the agreement made under subsection 1.

3. This Act shall be deemed to have come into force on the 1st day of January, 1952.

4. This Act may be cited as *The Old Age Assistance Amendment Act, 1952*.

An Act to amend The Old Age Assistance  
Act, 1951

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

---

MR. GOODFELLOW

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act to amend The Old Age Assistance  
Act, 1951**

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MR. GOODFELLOW

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*(Reprinted for consideration by the Committee  
of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1. The definition of "local authority" is re-enacted in order to improve administrative practices in large cities.

SECTION 2. This provision will remove any doubt that may exist as to the authority of Ontario to pay "assistance" as defined in the Act.

SECTION 3. Self-explanatory.

No. 65

1952

# BILL

## An Act to amend The Old Age Assistance Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor: 1951 (2nd Sess.), c. 2, s. 1, cl. *d*, re-enacted

(*d*) "local authority" means the public welfare administrator or public welfare commissioner or such other person or persons as the public welfare administrator or public welfare commissioner designates under this Act, or if there is no public welfare administrator and no public welfare commissioner, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare.

2. Section 2 of *The Old Age Assistance Act, 1951* is amended by adding thereto the following subsection: 1951 (2nd Sess.), c. 2, s. 2, amended

(2) Assistance may be paid in accordance with the agreement made under subsection 1. Payment authorized

3. Section 9 of *The Old Age Assistance Act, 1951* is amended by adding thereto the following subsection: 1951 (2nd Sess.), c. 2, s. 9, amended

(1*a*) A public welfare administrator or a public welfare commissioner may, subject to the approval of the Minister, designate a person or persons as local authority or local authorities in his place. Designation of local authority

4. This Act shall be deemed to have come into force on the 1st day of January, 1952. Commencement

5. This Act may be cited as *The Old Age Assistance Amendment Act, 1952*. Short title

BILL

An Act to amend The Old Age Assistance  
Act, 1951

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*1st Reading*

February 27th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

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MR. GOODFELLOW

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*(Reprinted for consideration by the Committee  
of the Whole House)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Old Age Assistance**  
**Act, 1951**

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MR. GOODFELLOW

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No. 65

1952

# BILL

## An Act to amend The Old Age Assistance Act, 1951

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *d* of section 1 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor: 1951 (2nd Sess.), c. 2, s. 1, cl. d. re-enacted

(d) "local authority" means the public welfare administrator or public welfare commissioner or such other person or persons as the public welfare administrator or public welfare commissioner designates under this Act, or if there is no public welfare administrator and no public welfare commissioner, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare.

**2.** Section 2 of *The Old Age Assistance Act, 1951* is amended 1951 (2nd Sess.), c. 2, s. 2, amended by adding thereto the following subsection:

(2) Assistance may be paid in accordance with the agreement made under subsection 1. Payment authorized

**3.** Section 9 of *The Old Age Assistance Act, 1951* is amended 1951 (2nd Sess.), c. 2, s. 9, amended by adding thereto the following subsection:

(1a) A public welfare administrator or a public welfare commissioner may, subject to the approval of the Minister, designate a person or persons as local authority or local authorities in his place. Designation of local authority

**4.** This Act shall be deemed to have come into force on the 1st day of January, 1952. Commencement

**5.** This Act may be cited as *The Old Age Assistance Amendment Act, 1952*. Short title

BILL

An Act to amend The Old Age Assistance  
Act, 1951

---

*1st Reading*

February 27th, 1952

*2nd Reading*

March 27th, 1952

*3rd Reading*

April 9th, 1952

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MR. GOODFELLOW

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Auxiliary Classes Act**

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MR. DUNLOP

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#### EXPLANATORY NOTES

The section of *The Auxiliary Classes Act* which provides the admission requirements for auxiliary classes is re-enacted for clarification, to remove an obsolete reference to a school medical inspector, and to permit the senior school inspector to nominate one of his subordinates to act in his place on the admission board. In addition a new subsection is added authorizing the school board in certain circumstances to require pupils to attend auxiliary classes.

No. 66

1952

# BILL

## An Act to amend The Auxiliary Classes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Auxiliary Classes Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 29, s. 7,  
re-enacted

7.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of, Admission  
only on  
recommen-  
dation

(a) the principal of the school;

(b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and

(c) the school inspector.

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board. Chairman  
and in-  
spector

(3) Subject to the regulations, a resident pupil, Compulsory  
attendance

(a) who is required to attend school under *The School Attendance Act* or *The Adolescent School Attendance Act*; and Rev. Stat.,  
cc. 347, 6

(b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

No fees  
for resident  
pupils

- (4) No fees shall be payable in respect of the instruction of resident pupils attending auxiliary classes.

Non-  
resident  
pupils

- (5) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction and for board and lodging as may be fixed by the board and approved by the Minister of Education.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Auxiliary Classes Amendment Act, 1952*.









An Act to amend The Auxiliary  
Classes Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

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MR. DUNLOP

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act to amend The Auxiliary Classes Act**

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MR. DUNLOP

---



No. 66

1952

# BILL

## An Act to amend The Auxiliary Classes Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Auxiliary Classes Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 29, s. 7,  
re-enacted

7.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of, Admission  
only on  
recommen-  
dation

(a) the principal of the school;

(b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and

(c) the school inspector.

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board. Chairman  
and in-  
spector

(3) Subject to the regulations, a resident pupil, Compulsory  
attendance

(a) who is required to attend school under *The School Attendance Act* or *The Adolescent School Attendance Act*; and Rev. Stat.,  
cc. 347, 6

(b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.



No fees  
for resident  
pupils

- (4) No fees shall be payable in respect of the instruction of resident pupils attending auxiliary classes.

Non-  
resident  
pupils

- (5) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction and for board and lodging as may be fixed by the board and approved by the Minister of Education.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Auxiliary Classes Amendment Act, 1952*.







BILL

An Act to amend The Auxiliary  
Classes Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

March 10th, 1952

*3rd Reading*

April 1st, 1952

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MR. DUNLOP

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No. 67

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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**BILL**  
**An Act to amend The Continuation  
Schools Act**

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MR. DUNLOP

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

Subsection 5 of section 9 of *The Continuation Schools Act*, which provides for a compulsory grant of \$500 by a county for the purposes of an agricultural department established in a continuation school, is repealed.

No. 67

1952

# BILL

## An Act to amend The Continuation Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 9 of *The Continuation Schools Act* is repealed. Rev. Stat.,  
c. 66, s. 9,  
subs. 5,  
repealed
2. This Act shall be deemed to have come into force on the 1st day of January, 1952. Commence-  
ment
3. This Act may be cited as *The Continuation Schools Amendment Act, 1952*. Short title



An Act to amend The Continuation  
Schools Act

---

*1st Reading*

February 27th, 1952

*2nd Reading*

*3rd Reading*

---

MR. DUNLOP

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

## BILL

An Act to approve an Agreement between Canada and  
Ontario respecting the Generation of Electrical Power in the  
International Rapids Section of the St. Lawrence River

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MR. FROST (Victoria)

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No. 68

1952

# BILL

## An Act to approve an Agreement between Canada and Ontario respecting the Generation of Electrical Power in the International Rapids Section of the St. Lawrence River

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made the 3rd day of December, 1951, <sup>Agreement approved</sup> between the Government of Canada and the Government of Ontario, set out as the Schedule to this Act, is approved and all things to be done by virtue thereof are authorized.
2. This Act comes into force on a day to be named by <sup>Commence-  
ment</sup> the Lieutenant-Governor by his Proclamation.
3. This Act may be cited as *The International Rapids* <sup>Short title</sup> *Power Development Agreement Act, 1952.*

## SCHEDULE

AGREEMENT made this third day of December, A.D. 1951,

BETWEEN:

THE GOVERNMENT OF CANADA, herein represented by the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, hereinafter referred to as Canada,

OF THE FIRST PART,

—and—

THE GOVERNMENT OF ONTARIO, herein represented by the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, hereinafter referred to as Ontario,

OF THE SECOND PART.

WHEREAS the development of the power resources in the International Rapids Section of the St. Lawrence River is urgently required;

WHEREAS it is intended that the Canadian share of the power to be developed therefrom would be available to Ontario;

WHEREAS Ontario is desirous of undertaking such development concurrently with the undertaking of a complementary development by an appropriate authority in the United States of America;

AND WHEREAS, by the Boundary Waters Treaty binding upon Canada and the United States of America, it is agreed that further uses of or obstructions or diversions of boundary waters on either side of the line affecting the natural level or flow of boundary waters on the other side of the line may not be made except by authority of the United States or Canada within their respective jurisdictions and with the approval of the International Joint Commission constituted by the Treaty;

AND WHEREAS the Treaty provides with respect to boundary waters:—

“The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

- (1) Uses for domestic and sanitary purposes;
- (2) Uses for navigation, including the service of canals for the purposes of navigation;
- (3) Uses for power and for irrigation purposes.”

AND WHEREAS it is desirable that an agreement should be made between Canada and Ontario concerning the construction, maintenance and operation of works for the development of power in the International Rapids Section subject to and in accordance with Canada's obligations under the Boundary Waters Treaty;

NOW THEREFORE this Agreement witnesseth that the parties hereto agree as follows:—

## ARTICLE I

For the purposes of this Agreement, unless the context otherwise requires, the expression:—

- (a) "deep waterway" means adequate provision for navigation requiring a controlling channel depth of twenty-seven feet with a depth of thirty feet over lock sills in general accordance with the specifications set forth in the Report of the Joint Board of Engineers, dated November 16, 1926;
- (b) "International Rapids Section" means that part of the International Section which extends from Chimney Point to the village of St. Regis;
- (c) "International Section" means that part of the St. Lawrence River through which the International boundary line runs;
- (d) "St. Lawrence River" includes the river channels and the lakes forming parts of the river channels from the outlet of Lake Ontario to the sea; and
- (e) "the works" means the works described in Article II to be undertaken and carried out by Ontario.

## ARTICLE II

Canada will do all in its power, consistently with its obligations under the Boundary Waters Treaty of 1909 aforementioned and the preservation of the interests of others in the St. Lawrence River, to obtain the approval of the International Joint Commission established under the said Boundary Waters Treaty pursuant to an application to be made by Ontario in a form approved by Canada, of works to develop the power resources of the International Rapids Section of the St. Lawrence River to be undertaken by Ontario concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, in accordance with the plan known as the "Controlled Single Stage Project (238-242)", containing the features described in the Annex to this Agreement with such modifications as may be agreed upon herein or by Canada and Ontario.

## ARTICLE III

Articles IV to XVI of this Agreement shall not come into operation until the making of an order by His Excellency the Governor General in Council of Canada signifying on behalf of Canada that

- (a) the terms upon which the International Joint Commission has approved the works mentioned in Article II of this Agreement for the development of the power resources of the International Rapids Section, including the works to be undertaken by Ontario, under Article III of the Boundary Waters Treaty of 1909 are satisfactory to Canada; and
- (b) Ontario has satisfied Canada that it will, concurrently with complementary operations by an appropriate authority in the United States, undertake the construction, maintenance and operation of the works.

## ARTICLE IV

Canada and Ontario will cause to be enacted such legislation as may be agreed upon between them as being necessary to authorize and provide fully for the construction, maintenance and operation of the works.

## ARTICLE V

(1) Subject to paragraph two of this Article, Canada will transfer to Ontario the administration of such lands belonging to Canada as are required for the works and such lands shall belong to Ontario.

(2) Ontario will compensate Canada for all lands the administration of which is transferred to Ontario pursuant to paragraph one of this Article other than the lands or property forming part of the existing canal system in the International Rapids Section.



(3) Upon completion of the necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above Long Sault Dam to connect with the existing Cornwall Canal, as provided in paragraph seven of the Annex hereto, Ontario will transfer to Canada the administration of such works, the sites thereof and such lands belonging to Ontario as are required for the operation thereof, and such works, sites and lands shall belong to Canada.

(4) Ontario will indemnify and save Canada harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works, it being understood by the parties hereto that no damages can so arise west of a line drawn due north and south through the most westerly point of Spencer Island and it is agreed that this indemnity clause shall not apply to any claim for any such damages alleged to have been sustained west of the said line.

#### ARTICLE VI

(1) Ontario will, to the full extent of its ability, concurrently with complementary operations by an appropriate authority in the United States of America, construct, maintain and operate the works in accordance with the terms of this Agreement, and in that respect will carry out and give full force and effect to all or any conditions, provisions or orders imposed or made by or under the authority of the International Joint Commission or by the Governor General in Council of Canada for the protection of navigation or to regulate and control the use of the water of the St. Lawrence River for the works, for the protection of others engaged in the production of power outside the Province of Ontario, and, in the case of any default on the part of Ontario, Canada may, by notice in writing specifying the particulars of the alleged default, require full and complete compliance, within a period or periods named in the notice, by Ontario with its obligations hereunder in respect of which default is alleged, and if the notice is not complied with within the time or any of the respective times so specified, Canada may, subject to paragraph two of this Article, take over or undertake the operation of the works or any part of the works or may construct, maintain and carry out the works, and in any such event the works shall vest in and belong to Canada.

(2) If any dispute arises between the parties hereto as to whether Ontario is carrying out her obligations hereunder or otherwise in any way under this clause, such dispute shall be referred to an arbitral tribunal constituted as provided in Article XIV of this Agreement and, pending disposition by the tribunal of such dispute, Ontario may carry on the construction, maintenance or operation of the works and Canada shall not take over or undertake the operation of the works or any part thereof or the construction, maintenance and carrying out thereof as provided in paragraph one.

#### ARTICLE VII

Ontario will, at such times and in such manner and form and upon such ratings as may be prescribed by Canada or authorized representatives of Canada,

- (a) take and keep records of the flow and water levels in the International Rapids Section and furnish certified copies thereof to Canada;
- (b) calibrate or cause to be calibrated its turbines, penstocks, sluices or other water passages forming part of the works.

#### ARTICLE VIII

Canada or authorized representatives of Canada will at all times be empowered

- (a) to have free access to the works;
- (b) to measure the discharge of the various sluices, turbines, penstocks or other water passages forming part of the works.

## ARTICLE IX

Ontario will furnish to Canada such plans, drawings or other information relating to the works as Canada may request from time to time.

## ARTICLE X

Ontario may provide for the enjoyment and exercise by The Hydro-Electric Power Commission of Ontario of any of Ontario's rights and benefits under this Agreement.

## ARTICLE XI

(1) Subject to the provisions of this Article, Ontario will transfer to Canada the administration of any such lands belonging to Ontario as are specified by Canada as being required for the sites of locks and works to carry a deep waterway through the International Rapids Section or for the construction, maintenance and operation thereof and such lands shall belong to Canada.

(2) Canada will compensate Ontario for all lands the administration of which is transferred to Canada pursuant to paragraph one of this Article, other than lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works.

(3) Subject to paragraph four of this Article, Ontario will not be entitled to any compensation for lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works, the administration of which is required to be transferred by Ontario to Canada pursuant to paragraph one of this Article, and Ontario will not be entitled to claim any compensation for loss or expenses incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising out of the construction by Canada of the locks or works required for the said deep waterway.

(4) Where Ontario has, before constructing any part of the works, given notice to Canada of the location of that part of the works, if Canada did not before commencement of the construction thereof give notice to Ontario that the lands upon which that part of the works was to be located might be required for the purposes of the said deep waterway and if Canada thereafter requires Ontario to transfer the administration of those lands to Canada pursuant to paragraph one of this Article, Ontario will be entitled to compensation for those lands and the said part of the works and for all loss or expense incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising by reason of Canada requiring Ontario to transfer the said lands and said part of the works to Canada.

(5) Canada will indemnify and save Ontario harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of a deep waterway through the International Rapids Section.

## ARTICLE XII

If the construction by Canada of the locks and works mentioned in Article XI renders unnecessary the construction by Ontario of the works required to permit the continuance of fourteen-foot navigation as described in paragraph seven of the Annex to this Agreement, Ontario will pay to Canada a part of the cost of such locks and works equivalent to the cost of the works that would have been required to be constructed by Ontario to permit the continuance of such fourteen-foot navigation.

## ARTICLE XIII

Ontario will furnish at cost such power as may from time to time be required by Canada for the operation of the navigation works and for other purposes of navigation in the International Rapids Section.



## ARTICLE XIV

(1) In the event of Canada and Ontario failing to agree on the interpretation of any part of this Agreement or any matter arising therefrom, either party shall have the right to refer the matter to an arbitral tribunal.

(2) Each arbitral tribunal shall consist of one person chosen by Canada, one person chosen by Ontario and one person chosen by agreement between Canada and Ontario. If they fail to agree, the third member of the tribunal shall be chosen by the Chief Justice of Canada.

(3) Both parties agree to facilitate the constitution and functioning of arbitral tribunals and to accept their decisions.

(4) The procedure in any arbitration under the provisions of this Article will be determined by Agreement between the parties hereto.

## ARTICLE XV

Ontario will establish a Commission to supervise the execution of such works as may be appropriate, consistently with the execution of the works, to safeguard and enhance the scenic beauty of and historic associations with the International Rapids Section.

## ARTICLE XVI

Where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Canada, such notice or request shall be deemed, for the purposes of this Agreement, to be effectively given or made if given or made by the Minister of Transport of Canada to the Provincial Secretary of Ontario, and where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Ontario, such notice or request shall be deemed for the purposes of this Agreement, to be effectively given or made if given or made to the Minister of Transport by the Provincial Secretary or a person authorized by him in that behalf, notice of whose authority has been given to the Minister of Transport by the Provincial Secretary.

## ARTICLE XVII

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. If, however, approval of the works by the International Joint Commission is not obtained within three years from the date of this Agreement either party hereto may, by written notice to the other, forthwith cancel this Agreement.

IN WITNESS WHEREOF the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, have hereunto set their hands on behalf of Canada and the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, have hereunto set their hands on behalf of Ontario; both upon the third day of December, 1951.

(Sgd.) LOUIS S. ST. LAURENT.  
 " LIONEL CHEVRIER.  
 " LESLIE M. FROST.  
 " GEO. H. CHALLIES.

## ANNEX TO THE CANADA-ONTARIO AGREEMENT

(See ARTICLE II)

The main features of the Controlled Single Stage Project (238-242) subject to modification pursuant to Article II, are as follows:—

- (1) A control dam in the vicinity of Iroquois Point.
- (2) A dam in the Long Sault Rapids at the head of Barnhart Island and two powerhouses, one on either side of the international boundary, at the foot of Barnhart Island.
- (3) Dykes, where necessary, on the United States and Canadian sides of the international boundary, to retain the pool level above the Long Sault Dam.
- (4) Channel enlargement from above Chimney Point to below Lotus Island designed to give a maximum mean velocity in any cross section of the channel which will ultimately be used for navigation not exceeding four feet per second at any time and between Lotus Island and the control dam and from above Point Three Point to below Ogden Island designed to give a maximum mean velocity in any cross section not exceeding two and one-quarter feet per second with the flow and at the stage to be permitted on the first of January of any year, under regulation of outflow and levels of Lake Ontario in accordance with Regulation Method No. 5, as prepared by the General Engineering Branch, Department of Transport, Canada, dated Ottawa, September, 1940.
- (5) Channel enlargement in the channels north and south of Cornwall Island equivalent in volume to that proposed in Features 33 and 34 as described in the Final Report on the St. Lawrence River Project by the Chief of Engineers, U.S. Army, dated April, 1942, and shown in outline on Drawing CC-R-1/1, Appendix III-O(1), to the Final Report referred to above.
- (6) The necessary railroad and highway modifications on either side of the international boundary.
- (7) The necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above the Long Sault Dam to connect with the existing Cornwall Canal.
- (8) The Rehabilitation of the Towns of Iroquois and Morrisburg, Ontario.

All the works in the pool below the control dam shall be designed to provide for full Lake Ontario level but initially the pool shall be operated at maximum elevation 238-0.





An Act to approve an Agreement between  
Canada and Ontario respecting the Genera-  
tion of Electrical Power in the Inter-  
national Rapids Section of the St. Lawrence  
River

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*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

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Mr. Frost (Victoria)

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

**An Act to approve an Agreement between Canada and  
Ontario respecting the Generation of Electrical Power in the  
International Rapids Section of the St. Lawrence River**

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MR. FROST (Victoria)

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No. 68

1952

# BILL

## An Act to approve an Agreement between Canada and Ontario respecting the Generation of Electrical Power in the International Rapids Section of the St. Lawrence River

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made the 3rd day of December, 1951, <sup>Agreement approved</sup> between the Government of Canada and the Government of Ontario, set out as the Schedule to this Act, is approved and all things to be done by virtue thereof are authorized.
2. This Act comes into force on a day to be named by <sup>Commence-</sup> the Lieutenant-Governor by his Proclamation. <sub>ment</sub>
3. This Act may be cited as *The International Rapids* <sup>Short title</sup> *Power Development Agreement Act, 1952.*



## SCHEDULE

AGREEMENT made this third day of December, A.D. 1951,

BETWEEN:

THE GOVERNMENT OF CANADA, herein represented by the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, hereinafter referred to as Canada,

OF THE FIRST PART,

—and—

THE GOVERNMENT OF ONTARIO, herein represented by the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, hereinafter referred to as Ontario,

OF THE SECOND PART.

WHEREAS the development of the power resources in the International Rapids Section of the St. Lawrence River is urgently required;

WHEREAS it is intended that the Canadian share of the power to be developed therefrom would be available to Ontario;

WHEREAS Ontario is desirous of undertaking such development concurrently with the undertaking of a complementary development by an appropriate authority in the United States of America;

AND WHEREAS, by the Boundary Waters Treaty binding upon Canada and the United States of America, it is agreed that further uses of or obstructions or diversions of boundary waters on either side of the line affecting the natural level or flow of boundary waters on the other side of the line may not be made except by authority of the United States or Canada within their respective jurisdictions and with the approval of the International Joint Commission constituted by the Treaty;

AND WHEREAS the Treaty provides with respect to boundary waters:—

“The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

- (1) Uses for domestic and sanitary purposes;
- (2) Uses for navigation, including the service of canals for the purposes of navigation;
- (3) Uses for power and for irrigation purposes.”

AND WHEREAS it is desirable that an agreement should be made between Canada and Ontario concerning the construction, maintenance and operation of works for the development of power in the International Rapids Section subject to and in accordance with Canada's obligations under the Boundary Waters Treaty;

NOW THEREFORE this Agreement witnesseth that the parties hereto agree as follows:—

## ARTICLE I

For the purposes of this Agreement, unless the context otherwise requires, the expression:—

- (a) "deep waterway" means adequate provision for navigation requiring a controlling channel depth of twenty-seven feet with a depth of thirty feet over lock sills in general accordance with the specifications set forth in the Report of the Joint Board of Engineers, dated November 16, 1926;
- (b) "International Rapids Section" means that part of the International Section which extends from Chimney Point to the village of St. Regis;
- (c) "International Section" means that part of the St. Lawrence River through which the International boundary line runs;
- (d) "St. Lawrence River" includes the river channels and the lakes forming parts of the river channels from the outlet of Lake Ontario to the sea; and
- (e) "the works" means the works described in Article II to be undertaken and carried out by Ontario.

#### ARTICLE II

Canada will do all in its power, consistently with its obligations under the Boundary Waters Treaty of 1909 aforementioned and the preservation of the interests of others in the St. Lawrence River, to obtain the approval of the International Joint Commission established under the said Boundary Waters Treaty pursuant to an application to be made by Ontario in a form approved by Canada, of works to develop the power resources of the International Rapids Section of the St. Lawrence River to be undertaken by Ontario concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, in accordance with the plan known as the "Controlled Single Stage Project (238-242)", containing the features described in the Annex to this Agreement with such modifications as may be agreed upon herein or by Canada and Ontario.

#### ARTICLE III

Articles IV to XVI of this Agreement shall not come into operation until the making of an order by His Excellency the Governor General in Council of Canada signifying on behalf of Canada that

- (a) the terms upon which the International Joint Commission has approved the works mentioned in Article II of this Agreement for the development of the power resources of the International Rapids Section, including the works to be undertaken by Ontario, under Article III of the Boundary Waters Treaty of 1909 are satisfactory to Canada; and
- (b) Ontario has satisfied Canada that it will, concurrently with complementary operations by an appropriate authority in the United States, undertake the construction, maintenance and operation of the works.

#### ARTICLE IV

Canada and Ontario will cause to be enacted such legislation as may be agreed upon between them as being necessary to authorize and provide fully for the construction, maintenance and operation of the works.

#### ARTICLE V

(1) Subject to paragraph two of this Article, Canada will transfer to Ontario the administration of such lands belonging to Canada as are required for the works and such lands shall belong to Ontario.

(2) Ontario will compensate Canada for all lands the administration of which is transferred to Ontario pursuant to paragraph one of this Article other than the lands or property forming part of the existing canal system in the International Rapids Section.

(3) Upon completion of the necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above Long Sault Dam to connect with the existing Cornwall Canal, as provided in paragraph seven of the Annex hereto, Ontario will transfer to Canada the administration of such works, the sites thereof and such lands belonging to Ontario as are required for the operation thereof, and such works, sites and lands shall belong to Canada.

(4) Ontario will indemnify and save Canada harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works, it being understood by the parties hereto that no damages can so arise west of a line drawn due north and south through the most westerly point of Spencer Island and it is agreed that this indemnity clause shall not apply to any claim for any such damages alleged to have been sustained west of the said line.

#### ARTICLE VI

(1) Ontario will, to the full extent of its ability, concurrently with complementary operations by an appropriate authority in the United States of America, construct, maintain and operate the works in accordance with the terms of this Agreement, and in that respect will carry out and give full force and effect to all or any conditions, provisions or orders imposed or made by or under the authority of the International Joint Commission or by the Governor General in Council of Canada for the protection of navigation or to regulate and control the use of the water of the St. Lawrence River for the works, for the protection of others engaged in the production of power outside the Province of Ontario, and, in the case of any default on the part of Ontario, Canada may, by notice in writing specifying the particulars of the alleged default, require full and complete compliance, within a period or periods named in the notice, by Ontario with its obligations hereunder in respect of which default is alleged, and if the notice is not complied with within the time or any of the respective times so specified, Canada may, subject to paragraph two of this Article, take over or undertake the operation of the works or any part of the works or may construct, maintain and carry out the works, and in any such event the works shall vest in and belong to Canada.

(2) If any dispute arises between the parties hereto as to whether Ontario is carrying out her obligations hereunder or otherwise in any way under this clause, such dispute shall be referred to an arbitral tribunal constituted as provided in Article XIV of this Agreement and, pending disposition by the tribunal of such dispute, Ontario may carry on the construction, maintenance or operation of the works and Canada shall not take over or undertake the operation of the works or any part thereof or the construction, maintenance and carrying out thereof as provided in paragraph one.

#### ARTICLE VII

Ontario will, at such times and in such manner and form and upon such ratings as may be prescribed by Canada or authorized representatives of Canada,

- (a) take and keep records of the flow and water levels in the International Rapids Section and furnish certified copies thereof to Canada;
- (b) calibrate or cause to be calibrated its turbines, penstocks, sluices or other water passages forming part of the works.

#### ARTICLE VIII

Canada or authorized representatives of Canada will at all times be empowered

- (a) to have free access to the works;
- (b) to measure the discharge of the various sluices, turbines, penstocks or other water passages forming part of the works.



## ARTICLE IX

Ontario will furnish to Canada such plans, drawings or other information relating to the works as Canada may request from time to time.

## ARTICLE X

Ontario may provide for the enjoyment and exercise by The Hydro-Electric Power Commission of Ontario of any of Ontario's rights and benefits under this Agreement.

## ARTICLE XI

(1) Subject to the provisions of this Article, Ontario will transfer to Canada the administration of any such lands belonging to Ontario as are specified by Canada as being required for the sites of locks and works to carry a deep waterway through the International Rapids Section or for the construction, maintenance and operation thereof and such lands shall belong to Canada.

(2) Canada will compensate Ontario for all lands the administration of which is transferred to Canada pursuant to paragraph one of this Article, other than lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works.

(3) Subject to paragraph four of this Article, Ontario will not be entitled to any compensation for lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works, the administration of which is required to be transferred by Ontario to Canada pursuant to paragraph one of this Article, and Ontario will not be entitled to claim any compensation for loss or expenses incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising out of the construction by Canada of the locks or works required for the said deep waterway.

(4) Where Ontario has, before constructing any part of the works, given notice to Canada of the location of that part of the works, if Canada did not before commencement of the construction thereof give notice to Ontario that the lands upon which that part of the works was to be located might be required for the purposes of the said deep waterway and if Canada thereafter requires Ontario to transfer the administration of those lands to Canada pursuant to paragraph one of this Article, Ontario will be entitled to compensation for those lands and the said part of the works and for all loss or expense incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising by reason of Canada requiring Ontario to transfer the said lands and said part of the works to Canada.

(5) Canada will indemnify and save Ontario harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of a deep waterway through the International Rapids Section.

## ARTICLE XII

If the construction by Canada of the locks and works mentioned in Article XI renders unnecessary the construction by Ontario of the works required to permit the continuance of fourteen-foot navigation as described in paragraph seven of the Annex to this Agreement, Ontario will pay to Canada a part of the cost of such locks and works equivalent to the cost of the works that would have been required to be constructed by Ontario to permit the continuance of such fourteen-foot navigation.

## ARTICLE XIII

Ontario will furnish at cost such power as may from time to time be required by Canada for the operation of the navigation works and for other purposes of navigation in the International Rapids Section.

## ARTICLE XIV

(1) In the event of Canada and Ontario failing to agree on the interpretation of any part of this Agreement or any matter arising therefrom, either party shall have the right to refer the matter to an arbitral tribunal.

(2) Each arbitral tribunal shall consist of one person chosen by Canada, one person chosen by Ontario and one person chosen by agreement between Canada and Ontario. If they fail to agree, the third member of the tribunal shall be chosen by the Chief Justice of Canada.

(3) Both parties agree to facilitate the constitution and functioning of arbitral tribunals and to accept their decisions.

(4) The procedure in any arbitration under the provisions of this Article will be determined by Agreement between the parties hereto.

## ARTICLE XV

Ontario will establish a Commission to supervise the execution of such works as may be appropriate, consistently with the execution of the works, to safeguard and enhance the scenic beauty of and historic associations with the International Rapids Section.

## ARTICLE XVI

Where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Canada, such notice or request shall be deemed, for the purposes of this Agreement, to be effectively given or made if given or made by the Minister of Transport of Canada to the Provincial Secretary of Ontario, and where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Ontario, such notice or request shall be deemed for the purposes of this Agreement, to be effectively given or made if given or made to the Minister of Transport by the Provincial Secretary or a person authorized by him in that behalf, notice of whose authority has been given to the Minister of Transport by the Provincial Secretary.

## ARTICLE XVII

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. If, however, approval of the works by the International Joint Commission is not obtained within three years from the date of this Agreement either party hereto may, by written notice to the other, forthwith cancel this Agreement.

IN WITNESS WHEREOF the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, have hereunto set their hands on behalf of Canada and the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, have hereunto set their hands on behalf of Ontario; both upon the third day of December, 1951.

(Sgd.) LOUIS S. ST. LAURENT.  
 " LIONEL CHEVRIER.  
 " LESLIE M. FROST.  
 " GEO. H. CHALLIES.

## ANNEX TO THE CANADA-ONTARIO AGREEMENT

(See ARTICLE II)

The main features of the Controlled Single Stage Project (238-242) subject to modification pursuant to Article II, are as follows:—

- (1) A control dam in the vicinity of Iroquois Point.
- (2) A dam in the Long Sault Rapids at the head of Barnhart Island and two powerhouses, one on either side of the international boundary, at the foot of Barnhart Island.
- (3) Dykes, where necessary, on the United States and Canadian sides of the international boundary, to retain the pool level above the Long Sault Dam.
- (4) Channel enlargement from above Chimney Point to below Lotus Island designed to give a maximum mean velocity in any cross section of the channel which will ultimately be used for navigation not exceeding four feet per second at any time and between Lotus Island and the control dam and from above Point Three to below Ogden Island designed to give a maximum mean velocity in any cross section not exceeding two and one-quarter feet per second with the flow and at the stage to be permitted on the first of January of any year, under regulation of outflow and levels of Lake Ontario in accordance with Regulation Method No. 5, as prepared by the General Engineering Branch, Department of Transport, Canada, dated Ottawa, September, 1940.
- (5) Channel enlargement in the channels north and south of Cornwall Island equivalent in volume to that proposed in Features 33 and 34 as described in the Final Report on the St. Lawrence River Project by the Chief of Engineers, U.S. Army, dated April, 1942, and shown in outline on Drawing CC-R-1/1, Appendix III-O(1), to the Final Report referred to above.
- (6) The necessary railroad and highway modifications on either side of the international boundary.
- (7) The necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above the Long Sault Dam to connect with the existing Cornwall Canal.
- (8) The Rehabilitation of the Towns of Iroquois and Morrisburg, Ontario.

All the works in the pool below the control dam shall be designed to provide for full Lake Ontario level but initially the pool shall be operated at maximum elevation 238-0.







# BILL

An Act to approve an Agreement between  
Canada and Ontario respecting the Genera-  
tion of Electrical Power in the Inter-  
national Rapids Section of the St. Lawrence  
River

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## *1st Reading*

February 28th, 1952

## *2nd Reading*

March 5th, 1952

## *3rd Reading*

April 8th, 1952

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Mr. Frost (Victoria)

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## **BILL**

**An Act respecting the Development of Power  
in the International Rapids Section  
of the St. Lawrence River**

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MR. CHALLIES

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Development of Power in the International Rapids Section of the St. Lawrence River

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Canada-Ontario agreement" means the agreement between the Government of Canada and the Government of Ontario providing for the development of power resources in the International Rapids Section of the St. Lawrence River, dated the 3rd day of December, 1951, and set out as the Schedule to *The International Rapids Power Development Agree-ment Act, 1952*, c. . .
- (b) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (c) "land" means real property of whatsoever nature or kind, and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, through, over, under, along, upon, across or affecting land;
- (d) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas and other power and also energy;
- (e) "supply" includes delivery, dealing in and sale;
- (f) "works" includes all property, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, supply or use of power.

Commission  
authorized  
to undertake  
power  
development

**2.** The Commission, in such manner as may be approved by the Lieutenant-Governor in Council, may undertake, concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, the construction, maintenance and operation of works to develop and utilize the power resources of the International Rapids Section of the St. Lawrence River and for this purpose may enjoy and exercise in its own name all the rights and benefits of the Government of Ontario under the Canada-Ontario agreement.

Commission  
to perform  
Ontario's  
obligations

**3.** The Commission shall perform all the obligations of the Government of Ontario under the Canada-Ontario agreement, except the transfer of the administration of the works, sites and lands belonging to Ontario provided for in clause 3 of Article V and in Article XI of the agreement.

Lands  
transferred  
by Canada

**4.** Upon the transfer of the administration of the lands belonging to Canada provided for in Article V of the Canada-Ontario agreement, such lands shall become and be vested in the Commission.

Title to  
lands and  
works

**5.** All lands acquired and all works constructed by the Commission under this Act shall belong to the Commission.

Works  
authorized

**6.—(1)** When the works described in Article II of the Canada-Ontario agreement have been approved by the International Joint Commission established under the Boundary Waters Treaty of 1909 and when the order of His Excellency the Governor General in Council of Canada referred to in Article III has been made, the Commission may,

- (a) divert the waters of the St. Lawrence River in such manner and in such amount as may in its opinion be necessary, convenient or desirable for the operation and utilization of the works, construct, maintain and operate the works, and by the use of these waters generate power and use, transform, transmit, convert, distribute, make available for use and supply it;
- (b) construct, install, maintain and operate works and roads required for or incidental to the other matters authorized by this Act;
- (c) connect any of the works constructed or installed under clause *a* or *b* with any other power works or systems;
- (d) transmit, transform, distribute and deliver power generated under this Act to or from or for any person at any place, through, over, under, along, upon or

across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or roadway and through, over, under, along, upon or across the land of any person;

- (e) acquire for the purposes of this Act by purchase, lease or otherwise, or without the consent of the owner, enter upon, take possession of, expropriate and use land, waters, water privileges, water powers, access and other roads, buildings and works and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as it deems are no longer necessary for its purposes;
- (f) acquire for the purposes of this Act, by purchase or otherwise, water, coal, steam, oil, material, equipment and other supplies.

(2) For the purposes of clause *d* of subsection 1, the Commission may exercise the same powers as are set forth in subsection 2 of section 32 of *The Power Commission Act*, and thereupon subsections 3 to 11 of that section shall apply. Manner of taking land  
Rev. Stat.,  
c. 281

7.—(1) In relation to all matters authorized by this Act, the Commission may exercise and enjoy, in addition to the powers conferred upon it by this and any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words "the Minister", "the Department" or "the Crown" appear in that Act, they shall, where the context permits, mean the Commission. Further powers as to taking land  
Rev. Stat.,  
c. 323

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the Secretary or by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Commission. Idem

(3) Except as otherwise provided in this Act, the Commission shall in the exercise of its compulsory powers authorized by this Act, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall apply *mutatis mutandis*. Where public works procedures to apply

(4) Subsection 6 of section 24 of *The Power Commission Act* shall apply to proceedings under this section. Rev. Stat.,  
c. 281, s. 24,  
subs. 6 to  
apply

No  
restraint

(5) No act or proceeding of the Commission under this section shall be restrained by injunction or other process or proceeding in any court.

Rights of  
way, etc.

8. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement is acquired for the purposes of this Act, by the Commission in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto for the term thereof and it shall be binding upon the owner and all subsequent owners of the land until expiration or release by the Commission.

General  
fund  
applicable

9. The purposes and objects of this Act shall be deemed to be purposes and objects of the Commission under section 12 of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed.

Rev. Stat.,  
c. 281,  
powers  
applicable

10. For the purposes of this Act, the Commission, in addition to exercising any of the powers conferred upon it by this Act, may exercise any of the powers conferred upon it by *The Power Commission Act*, but nothing in that Act shall in any way limit or restrict the exercise of the powers conferred upon the Commission by this Act.

Indemnifi-  
cation

11. The Commission shall indemnify and save harmless Her Majesty the Queen in right of Ontario in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works authorized by this Act.

Rates for  
water  
diverted

12. The Commission shall pay Her Majesty in right of Ontario compensation in such manner and upon such terms as may be agreed upon by them from time to time for water diverted under clause *a* of subsection 1 of section 6.

Commence-  
ment

13. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

14. This Act may be cited as *The St. Lawrence Development Act, 1952*.







An Act respecting the Development of  
Power in the International Rapids Section  
of the St. Lawrence River

---

*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

---

MR. CHALLIES

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

# BILL

**An Act respecting the Development of Power  
in the International Rapids Section  
of the St. Lawrence River**

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MR. CHALLIES

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# BILL

## An Act respecting the Development of Power in the International Rapids Section of the St. Lawrence River

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Canada-Ontario agreement" means the agreement between the Government of Canada and the Government of Ontario providing for the development of power resources in the International Rapids Section of the St. Lawrence River, dated the 3rd day of December, 1951, and set out as the Schedule to *The International Rapids Power Development Agreement Act, 1952*, c. . .
- (b) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (c) "land" means real property of whatsoever nature or kind, and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, through, over, under, along, upon, across or affecting land;
- (d) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas and other power and also energy;
- (e) "supply" includes delivery, dealing in and sale;
- (f) "works" includes all property, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, supply or use of power.

Commission  
authorized  
to undertake  
power  
development

**2.** The Commission, in such manner as may be approved by the Lieutenant-Governor in Council, may undertake, concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, the construction, maintenance and operation of works to develop and utilize the power resources of the International Rapids Section of the St. Lawrence River and for this purpose may enjoy and exercise in its own name all the rights and benefits of the Government of Ontario under the Canada-Ontario agreement.

Commission  
to perform  
Ontario's  
obligations

**3.** The Commission shall perform all the obligations of the Government of Ontario under the Canada-Ontario agreement, except the transfer of the administration of the works, sites and lands belonging to Ontario provided for in clause 3 of Article V and in Article XI of the agreement.

Lands  
transferred  
by Canada

**4.** Upon the transfer of the administration of the lands belonging to Canada provided for in Article V of the Canada-Ontario agreement, such lands shall become and be vested in the Commission.

Title to  
lands and  
works

**5.** All lands acquired and all works constructed by the Commission under this Act shall belong to the Commission.

Works  
authorized

**6.—(1)** When the works described in Article II of the Canada-Ontario agreement have been approved by the International Joint Commission established under the Boundary Waters Treaty of 1909 and when the order of His Excellency the Governor General in Council of Canada referred to in Article III has been made, the Commission may,

- (a) divert the waters of the St. Lawrence River in such manner and in such amount as may in its opinion be necessary, convenient or desirable for the operation and utilization of the works, construct, maintain and operate the works, and by the use of these waters generate power and use, transform, transmit, convert, distribute, make available for use and supply it;
- (b) construct, install, maintain and operate works and roads required for or incidental to the other matters authorized by this Act;
- (c) connect any of the works constructed or installed under clause *a* or *b* with any other power works or systems;
- (d) transmit, transform, distribute and deliver power generated under this Act to or from or for any person at any place, through, over, under, along, upon or

across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or roadway and through, over, under, along, upon or across the land of any person;

(e) acquire for the purposes of this Act by purchase, lease or otherwise, or without the consent of the owner, enter upon, take possession of, expropriate and use land, waters, water privileges, water powers, access and other roads, buildings and works and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as it deems are no longer necessary for its purposes;

(f) acquire for the purposes of this Act, by purchase or otherwise, water, coal, steam, oil, material, equipment and other supplies.

(2) For the purposes of clause *d* of subsection 1, the Commission may exercise the same powers as are set forth in subsection 2 of section 32 of *The Power Commission Act*, and thereupon subsections 3 to 11 of that section shall apply. Manner of taking land  
Rev. Stat.,  
c. 281

7.—(1) In relation to all matters authorized by this Act, the Commission may exercise and enjoy, in addition to the powers conferred upon it by this and any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words “the Minister”, “the Department” or “the Crown” appear in that Act, they shall, where the context permits, mean the Commission. Further powers as to taking land  
Rev. Stat.,  
c. 323

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the Secretary or by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Commission. Idem

(3) Except as otherwise provided in this Act, the Commission shall in the exercise of its compulsory powers authorized by this Act, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall apply *mutatis mutandis*. Where public works procedures to apply

(4) Subsection 6 of section 24 of *The Power Commission Act* shall apply to proceedings under this section. Rev. Stat.,  
c. 281, s. 24,  
subs. 6 to  
apply



No  
restraint

(5) No act or proceeding of the Commission under this section shall be restrained by injunction or other process or proceeding in any court.

Rights of  
way, etc.

8. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement is acquired for the purposes of this Act, by the Commission in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto for the term thereof and it shall be binding upon the owner and all subsequent owners of the land until expiration or release by the Commission.

General  
fund  
applicable

9. The purposes and objects of this Act shall be deemed to be purposes and objects of the Commission under section 12 of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed.

Rev. Stat.,  
c. 281,  
powers  
applicable

10. For the purposes of this Act, the Commission, in addition to exercising any of the powers conferred upon it by this Act, may exercise any of the powers conferred upon it by *The Power Commission Act*, but nothing in that Act shall in any way limit or restrict the exercise of the powers conferred upon the Commission by this Act.

Indemnifi-  
cation

11. The Commission shall indemnify and save harmless Her Majesty the Queen in right of Ontario in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works authorized by this Act.

Rates for  
water  
diverted

12. The Commission shall pay Her Majesty in right of Ontario compensation in such manner and upon such terms as may be agreed upon by them from time to time for water diverted under clause *a* of subsection 1 of section 6.

Commence-  
ment

13. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

14. This Act may be cited as *The St. Lawrence Development Act, 1952*.





BILL

An Act respecting the Development of  
Power in the International Rapids Section  
of the St. Lawrence River

---

*1st Reading*

February 28th, 1952

*2nd Reading*

March 5th, 1952

*3rd Reading*

April 8th, 1952

---

MR. CHALLIES

---

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

---

**BILL**  
**An Act to amend The Power Commission Act**

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MR. CHALLIES

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The section is re-enacted in order to add *The St. Lawrence Development Act, 1952* and to clarify its intent.

No. 70

1952

# BILL

## An Act to amend The Power Commission Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Power Commission Act* is amended by Rev. Stat., c. 281, s. 36, inserting after the article "the" in the sixth line the word amended "generation", so that the section shall read as follows:

36. In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has Powers of Commission as to lines on highways and always has had authority to put down, carry, construct, erect and maintain such conduits, wires, poles, towers and other equipment and works used in the generation, transmission and distribution of electrical power and energy as it deems necessary or desirable, under, along, across or upon any public street or highway and to remove or replace them without taking any of the proceedings prescribed by this Act for the taking of land without the consent of the owner thereof, and the provisions of this Act with regard to compensation for lands so taken shall not apply, but the location of any such conduits, wires, poles, towers, equipment or works to be put down, carried, constructed or erected under, along, across or upon a public street or highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the public street or highway, and in case of disagreement shall be determined by the Ontario Municipal Board.

2. Section 41 of *The Power Commission Act*, as amended by section 4 of *The Power Commission Amendment Act, 1951*, Rev. Stat., c. 281, s. 41, re-enacted is repealed and the following substituted therefor:

41. The compulsory powers conferred by this Act or by *The Niagara Development Act, 1951* or by *The St. Lawrence Development Act, 1952* shall extend to land, Powers of expropriation 1951, c. 55 1952, c. ..

works, rights, powers, privileges and property notwithstanding anything in this Act or in any general or special Act and notwithstanding that they are or may be deemed to be devoted to a municipal or any other public use or that the owner thereof possesses the power of taking land compulsorily and notwithstanding the origin, nature or sources of the owner's title thereto, whether statutory or otherwise, or the manner whereby it was acquired by the owner or by any of his predecessors in title.

Rev. Stat.,  
c. 281,  
amended

**3.** *The Power Commission Act* is amended by adding thereto the following section:

Continuance  
of easements,  
etc.

43a. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement has heretofore been, or is hereafter acquired by the Commission, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto for the term thereof and it shall be binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Commission.

Rev. Stat.,  
c. 281, s. 46,  
amended

**4.** Section 46 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1951*, is further amended by inserting after the figures "1951" in the amendment of 1951 the words and figures "and of *The St. Lawrence Development Act, 1952*", so that the section shall read as follows:

Government  
authorized  
to raise  
funds for  
works of  
Commission

Rev. Stat.,  
c. 299

1951, c. 55  
1952, c. . .

46. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act and of *The Niagara Development Act, 1951* and of *The St. Lawrence Development Act, 1952*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

Rev. Stat.,  
c. 281, s. 51,  
subs. 2,  
cl. e,  
amended

**5.** Clause *e* of subsection 2 of section 51 of *The Power Commission Act*, as amended by subsection 2 of section 9 of *The Power Commission Amendment Act, 1951*, is further amended by inserting after the figures "1951" in the amendment of 1951 the words and figures "or in *The St. Lawrence Development Act, 1952*", so that the clause shall read as follows:

SECTION 3. This section, which is new, is inserted in order to clarify the Commission's position in respect to its easements, etc., over lands.

SECTION 4. Self-explanatory.

SECTION 5. Self-explanatory.

SECTION 6. Under subsection 2 of section 120 of the Act hydro matters in cities of more than 60,000 are administered by a commission of 3 members—the mayor, an appointee of the council (for 2 years) and an appointee of the Commission (for 2 years).

The subsection now added is self-explanatory.

- (e) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 28, 38 and 84 or in respect of the acquisition or construction of works referred to in section 59, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952*, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes. 1951, c. 55  
1952, c. 11

6. Section 120 of *The Power Commission Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 281, s. 120,  
amended

- (3) Notwithstanding subsection 2, if a member of a commission referred to in that subsection who is appointed by the Commission dies, or wishes to resign, or refuses to act, or becomes unable from any cause to perform his duties, the Commission may appoint a successor in his stead for the remainder of his term of office, and such successor shall be eligible for reappointment. Appointment  
of successor  
to commis-  
sioner  
appointed by  
Commission

7. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

8. This Act may be cited as *The Power Commission Amendment Act, 1952*. Short title



An Act to amend The Power  
Commission Act

---

*1st Reading*

February 28th, 1952

*2nd Reading*

*3rd Reading*

---

MR. CHALLIES

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No. 70

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**An Act to amend The Power Commission Act**

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MR. CHALLIES

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 70

1952

# BILL

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Power Commission Act* is amended by Rev. Stat., c. 281, s. 36, amended inserting after the article "the" in the sixth line the word "generation", so that the section shall read as follows:

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2. Section 41 of *The Power Commission Act*, as amended Rev. Stat., c. 281, s. 41, re-enacted by section 4 of *The Power Commission Amendment Act, 1951*, is repealed and the following substituted therefor:

41. The compulsory powers conferred by this Act or by Powers of expropriation *The Niagara Development Act, 1951* or by *The St. Lawrence Development Act, 1952* shall extend to land, 1951, c. 55 1952, c. . .

works, rights, powers, privileges and property notwithstanding anything in this Act or in any general or special Act and notwithstanding that they are or may be deemed to be devoted to a municipal or any other public use or that the owner thereof possesses the power of taking land compulsorily and notwithstanding the origin, nature or sources of the owner's title thereto, whether statutory or otherwise, or the manner whereby it was acquired by the owner or by any of his predecessors in title.

Rev. Stat.,  
c. 281,  
amended

3. *The Power Commission Act* is amended by adding thereto the following section:

Continuance  
of easements,  
etc.

43a. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement has heretofore been, or is hereafter acquired by the Commission, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto for the term thereof and it shall be binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Commission.

Rev. Stat.,  
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4. Section 46 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1951*, is further amended by inserting after the figures "1951" in the amendment of 1951 the words and figures "and of *The St. Lawrence Development Act, 1952*", so that the section shall read as follows:

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46. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act and of *The Niagara Development Act, 1951* and of *The St. Lawrence Development Act, 1952*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

Rev. Stat.,  
c. 299

1951, c. 55  
1952, c. . .

5. Clause *e* of subsection 2 of section 51 of *The Power Commission Act*, as amended by subsection 2 of section 9 of *The Power Commission Amendment Act, 1951*, is further amended by inserting after the figures "1951" in the amendment of 1951 the words and figures "or in *The St. Lawrence Development Act, 1952*", so that the clause shall read as follows:

Rev. Stat.,  
c. 281, s. 51,  
subs. 2,  
cl. e,  
amended

- (e) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 28, 38 and 84 or in respect of the acquisition or construction of works referred to in section 59, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952*, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes. 1951, c. 55  
1952, c. ...

6. Section 120 of *The Power Commission Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 281, s. 120,  
amended

- (3) Notwithstanding subsection 2, if a member of a commission referred to in that subsection who is appointed by the Commission dies, or wishes to resign, or refuses to act, or becomes unable from any cause to perform his duties, the Commission may appoint a successor in his stead for the remainder of his term of office, and such successor shall be eligible for reappointment. Appointment  
of successor  
to commis-  
sioner  
appointed by  
Commission

7. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

8. This Act may be cited as *The Power Commission Amendment Act, 1952*. Short title









An Act to amend The Power  
Commission Act

---

*1st Reading*

February 28th, 1952

*2nd Reading*

March 28th, 1952

*3rd Reading*

April 1st, 1952

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MR. CHALLIES

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to repeal The Suburban Area Development Act

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MR. DUNBAR

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#### EXPLANATORY NOTE

This Bill repeals *The Suburban Area Development Act* which was first enacted in 1921 and which authorizes the establishment by a township council of a suburban area adjacent to a city, town, village or police village in which certain municipal services have been established. A suburban service board, elected by the electors of the area, was then established which was empowered to enter into agreements with the urban municipality for the supply of services.

The Act has been used very little and at present it is understood that there is only one suburban service board in existence. The provisions of the Act are now outmoded in view of the broad powers now given in *The Municipal Act* for township councils to establish areas in the township for the supply of services.

The Bill permits any existing suburban service board to continue to operate and authorizes the board or the township council to apply to the Ontario Municipal Board for dissolution.

No. 71

1952

# BILL

## An Act to repeal The Suburban Area Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Suburban Area Development Act* is repealed.

Rev. Stat.,  
c. 377,  
repealed

2.—(1) Notwithstanding section 1, any suburban service board that was established under *The Suburban Area Development Act* or any predecessor thereof and is in existence on the day this Act comes into force, may continue as if section 1 had not been passed.

Continuance  
of existing  
boards

(2) Such suburban service board, or the council of the township by which it was established, may apply to the Ontario Municipal Board for the dissolution of the suburban service board as if it were a municipality, and section 47 of *The Municipal Act* shall apply *mutatis mutandis* to such application.

Dissolu-  
tion

Rev. Stat.,  
c. 243

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Suburban Area Development Repeal Act, 1952*.

Short title

An Act to repeal The Suburban Area  
Development Act

*1st Reading*

February 29th, 1952

*2nd Reading*

*3rd Reading*

MR. DUNBAR

No. 71

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to repeal The Suburban Area Development Act

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MR. DUNBAR

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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Continuance  
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boards

(2) Such suburban service board, or the council of the township by which it was established, may apply to the Ontario Municipal Board for the dissolution of the suburban service board as if it were a municipality, and section 47 of *The Municipal Act* shall apply *mutatis mutandis* to such application.

Dissolu-  
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Rev. Stat.,  
c. 243

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An Act to repeal The Suburban Area  
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*1st Reading*

February 29th, 1952

*2nd Reading*

March 28th, 1952

*3rd Reading*

April 1st, 1952

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MR. DUNBAR

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Public Service Act

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MR. WELSH

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#### EXPLANATORY NOTES

**SECTION 1.** The present Act provides that any permanent civil servant may qualify on medical grounds for a disability allowance after ten years of service.

This provision is now restricted in that only civil servants who enter the service early enough to enable them to qualify for a superannuation allowance can qualify for a disability allowance.

**SECTION 2.** This section provides a double refund with interest for any civil servant who is retired on account of ill-health before reaching retirement age and who cannot qualify for a disability allowance.

# BILL

## An Act to amend The Public Service Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Public Service Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 317, s. 19,  
subs. 1,  
re-enacted

(1) Every employee who,

Disability  
allowance

(a) became an employee at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and

(b) has contributed to the Fund in respect of a period of ten or more years; and

(c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and

(d) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

2. Section 25 of *The Public Service Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 317, s. 25,  
re-enacted

25. Where an employee who,

Retirement  
or death  
before  
superannua-  
tion

(a) has attained retiring age is retired by the Lieutenant-Governor in Council in circumstances under which he is not entitled to a superannuation allowance; or

(b) is found by the Board to be unable to perform his duties by reason of mental or physical

incapacity is retired by the Lieutenant-Governor in Council in circumstances under which he is not entitled to a disability allowance; or

- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be.

Rev. Stat.,  
c. 317,  
amended

3. *The Public Service Act* is amended by adding thereto the following Part:

### PART III

#### RETIREMENT FUND

Retirement  
Fund

- 42.—(1) There shall be established a fund to be known as the Public Service Retirement Fund and an account shall be opened in the books of the Treasurer to be known as the Public Service Retirement Fund.

Treasurer  
to be  
custodian

- (2) The Treasurer shall be custodian of the Retirement Fund.

Composi-  
tion of  
Retirement  
Fund

- (3) The Retirement Fund shall consist of the amounts paid in by civil servants under this Part and the amounts credited to it under subsection 6.

Records

- (4) The Treasurer shall keep records showing a separate account of the amounts paid in by each civil servant under this Part.

Audit

- (5) The Retirement Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the Auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature.

Interest

- (6) There shall be credited to the Retirement Fund out of the Consolidated Revenue Fund interest at the

SECTION 3. The purpose of the new Part III is to reserve a portion of the salary of each temporary civil servant to whom the Part applies and to withhold it until he changes his status. If he becomes a permanent civil servant, he obtains a paid-up credit in the Public Service Superannuation Fund in respect of his period of temporary employment. If he leaves the service or dies within three years of entering the service, a refund of the amount reserved is made. If he leaves the service or dies after three years of service, a refund of the amount reserved with interest at 3 per cent is made.



rate of 3 per cent per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the balance in the Retirement Fund at the commencement of the fiscal year.

- 43.—(1) Except as otherwise provided in subsection 2 <sup>Application of Part III</sup> or 3, this Part applies to every civil servant who is appointed for a period of one year.
- (2) This Part does not apply to any civil servant who <sup>Appointees before July 1st, 1952</sup> was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Civil Service Commission.
- (3) This Part does not apply to any civil servant who <sup>Former teachers</sup> is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Civil Service Commission, and if he so elects and in due course becomes an employee within the meaning of Part II his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part II, be deemed to have ceased on the date on which his election to come under this Part becomes effective.
- 44.—(1) Every civil servant to whom this Part applies <sup>Contributions</sup> whose salary is less than \$1,500 shall contribute to the Retirement Fund an amount equal to 5 per cent of his salary.
- (2) Every civil servant to whom this Part applies whose <sup>Idem</sup> salary is \$1,500 or more shall contribute to the Retirement Fund an amount equal to 6 per cent of his salary.
- (3) The contributions shall be deducted from the salary <sup>How contributions to be made</sup> of the civil servant and credited to his account in the records of the Retirement Fund.
45. The interest of any civil servant in the Retirement Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. <sup>No attachment, etc.</sup>
46. Where a civil servant to whom this Part applies <sup>Transfer to Public Service Superannuation Fund</sup> becomes an employee without the meaning of Part II, the amount to his credit in the Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he shall be entitled to credit in that Fund for a period equal to the period



in respect of which he contributed to the Retirement Fund.

Refunds

- 47.—(1) Where a civil servant who has contributed to the Retirement Fund in respect of three years or less ceases to be a civil servant or dies, the amount to his credit in the Retirement Fund shall be payable to him or to his personal representative, as the case may be.

Idem

- (2) Where a civil servant who has contributed to the Retirement Fund in respect of more than three years ceases to be a civil servant or dies, the amount to his credit in the Retirement Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be.

How made

- (3) Refunds under this section shall be made by cheque of the Treasurer upon the requisition in writing of the chairman of the Civil Service Commission or of such person as the chairman may authorize in writing.

Where person indebted to Crown

- (4) Where a refund is payable under this section and the person in respect of whom the refund is payable is indebted to the Crown, the amount of such indebtedness shall be deducted from the refund to which he or his personal representative is otherwise entitled.

Regulations

48. The Lieutenant-Governor in Council may make regulations,

- (a) defining classes of civil servants who shall be exempt from this Part;
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Cost of administration

49. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Service credit rights of special group of former teachers

4. Any former contributor to The Teachers' and Inspectors' Superannuation Fund who became a civil servant before the 24th day of May, 1937, and whose contributions and credits in that fund have been transferred to the Public Service Superannuation Fund may pay into the Public Service Superannuation Fund a sum of money equal to the difference between the amount that he would have paid into the Public

SECTION 4. Some years ago teachers who became civil servants were given the option of transferring from the teachers' fund to the Public Service Superannuation Fund. Those who failed to exercise this option at that time are now in a somewhat less favourable position than those who did. This section will restore equality to the half-dozen persons affected.



Service Superannuation Fund if he had contributed to the Public Service Superannuation Fund during his entire period as a civil servant and that portion of the amount transferred from The Teachers' and Inspectors' Superannuation Fund in respect of the period of his service after he became a civil servant with interest on the amount of such difference at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly, and thereupon he shall be entitled to service credit in the Public Service Superannuation Fund for the number of years that he has been a civil servant and the number of years to which he is entitled under *The Public Service Act* in respect of his teaching service. Rev. Stat.,  
c. 317

5. This Act comes into force on the 1st day of July, 1952. Commence-  
ment

6. This Act may be cited as *The Public Service Amendment Act, 1952*. Short title

An Act to amend The Public  
Service Act

---

*1st Reading*

March 6th, 1952

*2nd Reading*

*3rd Reading*

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MR. WELSH

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Public Service Act

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*(Reprinted for consideration by the Committee  
of the Whole House)*

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SECTION 1. The present Act provides that any permanent civil servant may qualify on medical grounds for a disability allowance after ten years of service.

This provision is now restricted in that only civil servants who enter the service early enough to enable them to qualify for a superannuation allowance can qualify for a disability allowance.

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subs. 1,  
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(1) Every employee who,

Disability  
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- (a) became an employee at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and
- (b) has contributed to the Fund in respect of a period of ten or more years; and
- (c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and
- (d) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

2. Section 25 of *The Public Service Act* is repealed and the following substituted therefor:

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re-enacted

25. Where an employee who,

Retirement  
or death  
before  
superannua-  
tion

- (a) has attained retiring age is retired by the Lieutenant-Governor in Council in circumstances under which he is not entitled to a superannuation allowance; or
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incapacity is retired by the Lieutenant-Governor in Council in circumstances under which he is not entitled to a disability allowance; or

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twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be.

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- (2) The Treasurer shall be custodian of the Retirement Fund.

Composi-  
tion of  
Retirement  
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- (3) The Retirement Fund shall consist of the amounts paid in by civil servants under this Part and the amounts credited to it under subsection 6.

Records

- (4) The Treasurer shall keep records showing a separate account of the amounts paid in by each civil servant under this Part.

Audit

- (5) The Retirement Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the Auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature.

Interest

- (6) There shall be credited to the Retirement Fund out of the Consolidated Revenue Fund interest at the

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- 43.—(1) Except as otherwise provided in subsection 2 <sup>Application of Part III</sup> or 3, this Part applies to every civil servant who is appointed for a period of one year.
- (2) This Part does not apply to any civil servant who <sup>Appointees before July 1st, 1952</sup> was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Civil Service Commission.
- (3) This Part does not apply to any civil servant who <sup>Former teachers</sup> is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Civil Service Commission, and if he so elects and in due course becomes an employee within the meaning of Part II his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part II, be deemed to have ceased on the date on which his election to come under this Part becomes effective.
- 44.—(1) Every civil servant to whom this Part applies <sup>Contributions</sup> whose salary is less than \$1,500 shall contribute to the Retirement Fund an amount equal to 5 per cent of his salary.
- (2) Every civil servant to whom this Part applies whose <sup>Idem</sup> salary is \$1,500 or more shall contribute to the Retirement Fund an amount equal to 6 per cent of his salary.
- (3) The contributions shall be deducted from the salary <sup>How contributions to be made</sup> of the civil servant and credited to his account in the records of the Retirement Fund.
45. The interest of any civil servant in the Retirement Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. <sup>No attachment, etc.</sup>
46. Where a civil servant to whom this Part applies <sup>Transfer to Public Service Superannuation Fund</sup> becomes an employee within the meaning of Part II, the amount to his credit in the Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he shall be entitled to credit in that Fund for a period equal to the period

in respect of which he contributed to the Retirement Fund.

Refunds

- 47.—(1) Where a civil servant who has contributed to the Retirement Fund in respect of three years or less ceases to be a civil servant or dies, the amount to his credit in the Retirement Fund shall be payable to him or to his personal representative, as the case may be.

Idem

- (2) Where a civil servant who has contributed to the Retirement Fund in respect of more than three years ceases to be a civil servant or dies, the amount to his credit in the Retirement Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be.

How made

- (3) Refunds under this section shall be made by cheque of the Treasurer upon the requisition in writing of the chairman of the Civil Service Commission or of such person as the chairman may authorize in writing.

Where person indebted to Crown

- (4) Where a refund is payable under this section and the person in respect of whom the refund is payable is indebted to the Crown, the amount of such indebtedness shall be deducted from the refund to which he or his personal representative is otherwise entitled.

Regulations

48. The Lieutenant-Governor in Council may make regulations,
- (a) defining classes of civil servants who shall be exempt from this Part;
  - (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Cost of administration

49. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Service credit rights of special group of former teachers

4. Any civil servant who was a contributor to The Teachers' and Inspectors' Superannuation Fund and who became a civil servant before the 24th day of May, 1937, and whose contributions and credits in that fund have been transferred to the Public Service Superannuation Fund may pay into the Public Service Superannuation Fund a sum of money equal to the difference between the amount that he would have paid

SECTION 4. Some years ago teachers who became civil servants were given the option of transferring from the teachers' fund to the Public Service Superannuation Fund. Those who failed to exercise this option at that time are now in a somewhat less favourable position than those who did. This section will restore equality to the half-dozen persons affected.



into the Public Service Superannuation Fund if he had contributed to the Public Service Superannuation Fund during his entire period as a civil servant and that portion of the amount transferred from The Teachers' and Inspectors' Superannuation Fund in respect of the period of his service after he became a civil servant with interest on the amount of such difference at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly, and thereupon he shall be entitled to service credit in the Public Service Superannuation Fund for the number of years that he has been a civil servant and the number of years to which he is entitled under *The Public Service Act* in respect of his teaching service.

Rev. Stat.,  
3. 317

5. This Act comes into force on the 1st day of July, 1952.

Commence-  
ment

6. This Act may be cited as *The Public Service Amendment Act, 1952*.

Short title



An Act to amend The Public  
Service Act

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*1st Reading*

March 6th, 1952

*2nd Reading*

April 1st, 1952

*3rd Reading*

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MR. WELSH

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*(Reprinted for consideration by the Committee  
of the Whole House)*

No. 72

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Public Service Act

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MR. WELSH

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Public Service Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 317, s. 19,  
subs. 1,  
re-enacted

(1) Every employee who,

Disability  
allowance

(a) became an employee at an age at which he could contribute to the Fund in respect of a period of fifteen years before attaining retirement age; and

(b) has contributed to the Fund in respect of a period of ten or more years; and

(c) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity; and

(d) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

2. Section 25 of *The Public Service Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 317, s. 25,  
re-enacted

25. Where an employee who,

Retirement  
or death  
before  
superannua-  
tion

(a) has attained retiring age is retired by the Lieutenant-Governor in Council in circumstances under which he is not entitled to a superannuation allowance; or

(b) is found by the Board to be unable to perform his duties by reason of mental or physical

incapacity is retired by the Lieutenant-Governor in Council in circumstances under which he is not entitled to a disability allowance; or

- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be.

Rev. Stat.,  
c. 317,  
amended

**3. The Public Service Act** is amended by adding thereto the following Part:

### PART III

#### RETIREMENT FUND

Retirement  
Fund

- 42.—(1) There shall be established a fund to be known as the Public Service Retirement Fund and an account shall be opened in the books of the Treasurer to be known as the Public Service Retirement Fund.

Treasurer  
to be  
custodian

- (2) The Treasurer shall be custodian of the Retirement Fund.

Composi-  
tion of  
Retirement  
Fund

- (3) The Retirement Fund shall consist of the amounts paid in by civil servants under this Part and the amounts credited to it under subsection 6.

Records

- (4) The Treasurer shall keep records showing a separate account of the amounts paid in by each civil servant under this Part.

Audit

- (5) The Retirement Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the Auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature.

Interest

- (6) There shall be credited to the Retirement Fund out of the Consolidated Revenue Fund interest at the

rate of 3 per cent per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the balance in the Retirement Fund at the commencement of the fiscal year.

- 43.—(1) Except as otherwise provided in subsection 2 <sup>Application of Part III</sup> or 3, this Part applies to every civil servant who is appointed for a period of one year.
- (2) This Part does not apply to any civil servant who <sup>Appointees before July 1st, 1952</sup> was appointed before the 1st day of July, 1952, unless he so elects in a writing delivered or sent to the Civil Service Commission.
- (3) This Part does not apply to any civil servant who <sup>Former teachers</sup> is a contributor to the Teachers' Superannuation Fund unless he so elects in a writing delivered or sent to the Civil Service Commission, and if he so elects and in due course becomes an employee within the meaning of Part II his contributions to the Teachers' Superannuation Fund shall, for the purposes of Part II, be deemed to have ceased on the date on which his election to come under this Part becomes effective.
- 44.—(1) Every civil servant to whom this Part applies <sup>Contributions</sup> whose salary is less than \$1,500 shall contribute to the Retirement Fund an amount equal to 5 per cent of his salary.
- (2) Every civil servant to whom this Part applies whose <sup>Idem</sup> salary is \$1,500 or more shall contribute to the Retirement Fund an amount equal to 6 per cent of his salary.
- (3) The contributions shall be deducted from the salary <sup>How contributions to be made</sup> of the civil servant and credited to his account in the records of the Retirement Fund.
45. The interest of any civil servant in the Retirement Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. <sup>No attachment, etc.</sup>
46. Where a civil servant to whom this Part applies <sup>Transfer to Public Service Superannuation Fund</sup> becomes an employee within the meaning of Part II, the amount to his credit in the Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund and he shall be entitled to credit in that Fund for a period equal to the period



in respect of which he contributed to the Retirement Fund.

Refunds

- 47.—(1) Where a civil servant who has contributed to the Retirement Fund in respect of three years or less ceases to be a civil servant or dies, the amount to his credit in the Retirement Fund shall be payable to him or to his personal representative, as the case may be.

Idem

- (2) Where a civil servant who has contributed to the Retirement Fund in respect of more than three years ceases to be a civil servant or dies, the amount to his credit in the Retirement Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be.

How made

- (3) Refunds under this section shall be made by cheque of the Treasurer upon the requisition in writing of the chairman of the Civil Service Commission or of such person as the chairman may authorize in writing.

Where person indebted to Crown

- (4) Where a refund is payable under this section and the person in respect of whom the refund is payable is indebted to the Crown, the amount of such indebtedness shall be deducted from the refund to which he or his personal representative is otherwise entitled.

Regulations

48. The Lieutenant-Governor in Council may make regulations,

- (a) defining classes of civil servants who shall be exempt from this Part;
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Cost of administration

49. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Service credit rights of special group of former teachers

4. Any civil servant who was a contributor to The Teachers' and Inspectors' Superannuation Fund and who became a civil servant before the 24th day of May, 1937, and whose contributions and credits in that fund have been transferred to the Public Service Superannuation Fund may pay into the Public Service Superannuation Fund a sum of money equal to the difference between the amount that he would have paid

into the Public Service Superannuation Fund if he had contributed to the Public Service Superannuation Fund during his entire period as a civil servant and that portion of the amount transferred from The Teachers' and Inspectors' Superannuation Fund in respect of the period of his service after he became a civil servant with interest on the amount of such difference at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly, and thereupon he shall be entitled to service credit in the Public Service Superannuation Fund for the number of years that he has been a civil servant and the number of years to which he is entitled under *The Public Service Act* in respect of his teaching service. Rev. Stat.,  
c. 317

5. This Act comes into force on the 1st day of July, 1952. Commence-  
ment

6. This Act may be cited as *The Public Service Amendment Act, 1952*. Short title



BILL

An Act to amend The Public  
Service Act

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*1st Reading*

March 6th, 1952

*2nd Reading*

April 1st, 1952

*3rd Reading*

April 9th, 1952

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MR. WELSH

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No. 73

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

**An Act to provide for the Making of Inquiries in Connection  
with Hospitals, Sanatoria, Charitable Institutions and  
Other Organizations**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to provide for the Making of Inquiries in Connection with Hospitals, Sanatoria, Charitable Institutions and Other Organizations

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made concerning any matter, whether arising before or after the date this Act comes into force, connected with or affecting any hospital, sanatorium, charitable institution or other organization that is granted aid out of moneys appropriated by the Legislature, he may, by commission, appoint one or more persons to conduct such inquiry, and every person so appointed shall for that purpose have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Power to  
make  
inquiry

Rev. Stat.,  
c. 308

**2.** Sections 4 and 5 of *The Public Inquiries Act* apply *mutatis mutandis* to any inquiry authorized under this Act.

Application  
of Rev. Stat.,  
c. 308, ss. 4, 5

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Hospitals and Charitable Institutions Inquiries Act, 1952*.

Short title

An Act to provide for the Making of  
Inquiries in Connection with Hospitals,  
Sanatoria, Charitable Institutions and  
Other Organizations

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*1st Reading*

March 12th, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

**An Act to provide for the Making of Inquiries in Connection  
with Hospitals, Sanatoria, Charitable Institutions and  
Other Organizations**

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MR. PORTER

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# BILL

## An Act to provide for the Making of Inquiries in Connection with Hospitals, Sanatoria, Charitable Institutions and Other Organizations

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made concerning any matter, whether arising before or after the date this Act comes into force, connected with or affecting any hospital, sanatorium, charitable institution or other organization that is granted aid out of moneys appropriated by the Legislature, he may, by commission, appoint one or more persons to conduct such inquiry, and every person so appointed shall for that purpose have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Power to  
make  
inquiry  
Rev. Stat.,  
c. 308

2. Sections 4 and 5 of *The Public Inquiries Act* apply *mutatis mutandis* to any inquiry authorized under this Act.

Application  
of Rev. Stat.,  
c. 308, ss. 4, 5

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Hospitals and Charitable Institutions Inquiries Act, 1952*.

Short title



BILL

An Act to provide for the Making of  
Inquiries in Connection with Hospitals,  
Sanatoria, Charitable Institutions and  
Other Organizations

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*1st Reading*

March 12th, 1952

*2nd Reading*

March 13th, 1952

*3rd Reading*

March 17th, 1952

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Trustee Act

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MR. PORTER

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

Sections 26 and 27 of *The Trustee Act*, which set out the investment powers of trustees, have not been altered in principle for 65 years. Generally speaking, trustees are confined to securities of or guaranteed by certain governments, first mortgages on real estate, Dominion subsidy bonds, guaranteed investment certificates of certain trust companies, and debentures of certain loan companies.

This bill gives trustees a broader field of investment, consistent with safety of principal, so that they may cope more effectively with current economic conditions and thus serve the interests of the beneficiaries to better advantage.

The new sections 26 and 27*a* replace the old sections 26 and 27 without any change in scope.

The new section 27 will enable trustees to invest up to 35 per cent of a trust fund in the designated classes of corporation bonds and stocks.

# BILL

## An Act to amend The Trustee Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 26 and 27 of *The Trustee Act* are repealed and the following substituted therefor: Rev. Stat., c. 400, ss. 26, 27, re-enacted

26. A trustee may invest any trust money in his hands in the classes of securities mentioned in this section, but only if the investment is in other respects reasonable and proper, Authorized investments

(a) bonds, debentures or other evidences of indebtedness, government and municipal securities

(i) of or guaranteed by the Government of Canada,

(ii) of or guaranteed by the government of any province of Canada,

(iii) of or guaranteed by the Government of the United Kingdom,

(iv) of any municipal corporation in Canada, including debentures issued for public, separate, high or vocational school purposes, or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any province of Canada on property in such province and collectable by or through the municipality in which such property is situated;

(b) first mortgages, charges or hypothecs upon real estate in Canada; mortgages on real estate

Dominion  
subsidy  
bonds

- (c) bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the Government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

loan  
company  
debentures

Rev. Stat.,  
c. 214

- (d) debentures of any loan corporation that is registered under *The Loan and Trust Corporations Act*;

trust  
company  
guaranteed  
investments

- (e) guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

Other  
authorized  
investments

27.—(1) In addition to the investments authorized by section 26, the classes of investments mentioned in this subsection are authorized for trustees holding trust money for investment, but only if the investment is in other respects reasonable and proper and is made in accordance with the other subsections of this section,

bonds  
secured by  
trust deed

- (a) bonds, debentures, debenture stock or other securities of any corporation incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such corporation or other assets of such corporation of the classes mentioned in this section or in section 26;

provincial  
subsidy  
bonds

- (b) bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

(c) bonds, debentures or other evidences of indebtedness of a corporation that has paid, <sup>in-corporation securities</sup>

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

(d) preferred shares of a corporation that has paid, <sup>preferred shares</sup>

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

(e) fully paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid.

(2) No investment shall be made under this section <sup>Limitation</sup> which, at the time of making such investment, would cause the aggregate market value of the investments made under this section to exceed 35 per cent of the market value at that time of the whole trust estate,

and if in any estate or trust the trustee has retained, under the authority of the trust instrument, investments which had been acquired by the testator or settlor and which come within any of the classes authorized by this section, such investments shall be deemed to have been made under this section.

Change in  
market  
values

- (3) No sale or other liquidation of any investment made under this section shall be required solely because of any change in the ratio between the market value of such investments and the market value of the whole trust estate.

Market  
values

- (4) In determining market values for the purpose of this section, a trustee may rely upon published market quotations as to those investments for which such quotations are available, and upon such valuations of other investments as in his judgment seem fair and reasonable according to available information.

Power to  
deposit  
trust  
money

- 27a. A trustee may, pending the investment of any trust money, deposit it during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Rev. Stat.,  
c. 214

Short title

2. This Act may be cited as *The Trustee Amendment Act, 1952*.





An Act to amend The Trustee Act

---

*1st Reading*

March 12th, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Trustee Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTE

Sections 26 and 27 of *The Trustee Act*, which set out the investment powers of trustees, have not been altered in principle for 65 years. Generally speaking, trustees are confined to securities of or guaranteed by certain governments, first mortgages on real estate, Dominion subsidy bonds, guaranteed investment certificates of certain trust companies, and debentures of certain loan companies.

The new sections 26 and 27 replace the old sections 26 and 27 without any change in scope.

# BILL

## An Act to amend The Trustee Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 26 and 27 of *The Trustee Act* are repealed and the following substituted therefor:

Rev. Stat.,  
c. 400,  
ss. 26, 27,  
re-enacted

26. A trustee may invest any trust money in his hands in the classes of securities mentioned in this section, but only if the investment is in other respects reasonable and proper,

Authorized  
investments

(a) bonds, debentures or other evidences of indebtedness,

in- government  
and muni-  
cipal securities

(i) of or guaranteed by the Government of Canada,

(ii) of or guaranteed by the government of any province of Canada,

(iii) of or guaranteed by the Government of the United Kingdom,

(iv) of any municipal corporation in Canada, including debentures issued for public, separate, high or vocational school purposes, or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any province of Canada on property in such province and collectable by or through the municipality in which such property is situated;

(b) first mortgages, charges or hypothecs upon real estate in Canada;

mortgages  
on real  
estate

Dominion  
subsidy  
bonds

- (c) bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the Government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

loan  
company  
debentures  
Rev. Stat.,  
c. 214

- (d) debentures of any loan corporation that is registered under *The Loan and Trust Corporations Act*;

trust  
company  
guaranteed  
investments

- (e) guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

Power to  
deposit  
trust  
money

27. A trustee may, pending the investment of any trust money, deposit it during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Rev. Stat.,  
c. 214

Short title

2. This Act may be cited as *The Trustee Amendment Act, 1952*.









BILL

An Act to amend The Trustee Act

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*1st Reading*

March 12th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee  
on Legal Bills)*

1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Trustee Act

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MR. PORTER

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No. 74

1952

# BILL

## An Act to amend The Trustee Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 26 and 27 of *The Trustee Act* are repealed and the following substituted therefor:

Rev. Stat.,  
c. 400,  
ss. 26, 27,  
re-enacted

26. A trustee may invest any trust money in his hands in the classes of securities mentioned in this section, but only if the investment is in other respects reasonable and proper,

Authorized  
investments

(a) bonds, debentures or other evidences of indebtedness,

government  
and municipal  
securities

(i) of or guaranteed by the Government of Canada,

(ii) of or guaranteed by the government of any province of Canada,

(iii) of or guaranteed by the Government of the United Kingdom,

(iv) of any municipal corporation in Canada, including debentures issued for public, separate, high or vocational school purposes, or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any province of Canada on property in such province and collectable by or through the municipality in which such property is situated;

(b) first mortgages, charges or hypothecs upon real estate in Canada;

mortgages  
on real  
estate

Dominion  
subsidy  
bonds

- (c) bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the Government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

loan  
company  
debentures

Rev. Stat.,  
c. 214

- (d) debentures of any loan corporation that is registered under *The Loan and Trust Corporations Act*;

trust  
company  
guaranteed  
investments

- (e) guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

Power to  
deposit  
trust  
money

27. A trustee may, pending the investment of any trust money, deposit it during such time as is reasonable in the circumstances in any chartered bank of Canada, or in the Province of Ontario Savings Office, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Rev. Stat.,  
c. 214

Short title

- 2.** This Act may be cited as *The Trustee Amendment Act, 1952*.









An Act to amend The Trustee Act

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*1st Reading*

March 12th, 1952

*2nd Reading*

March 25th, 1952

*3rd Reading*

April 7th, 1952

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Mr. PORTER

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Drugless Practitioners Act

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MR. PHILLIPS

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

The amendment authorizes the Lieutenant-Governor in Council to appoint separate Boards of Directors for the different classifications of drugless practitioners and provides for the composition and powers of the Boards.

# BILL

## An Act to amend The Drugless Practitioners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Drugless Practitioners Act* is amended by adding thereto the following sections: Rev. Stat.,  
c. 110,  
amended

2a.—(1) The Lieutenant-Governor in Council may appoint a Board of Directors for one or more classifications of drugless practitioners to be composed of not less than three and not more than five members and to be known as “The Board of Directors of (inserting the classification or classifications)” Boards of  
Directors

(2) The members of a Board of Directors shall hold office for a period of two years, but any member shall be eligible for reappointment at the expiration of his term of office. Term of  
office

(3) Every vacancy on a Board of Directors caused by the death, resignation or incapacity of a member shall be filled by the appointment of a person to hold office for the remainder of the term of such member. Vacancies

(4) The Lieutenant-Governor in Council may designate one of the members to be chairman, one to be vice-chairman and one to be secretary-treasurer of a Board of Directors. Chairman,  
vice-chair-  
man and  
secretary-  
treasurer

2b. The Lieutenant-Governor in Council may make regulations classifying persons admitted to practice under this Act and for prescribing the systems of treatment that may be followed by drugless practitioners of different classes. Regulations

. . . . .

Board of  
Regents  
replaced

3a.—(1) When a Board of Directors has been appointed, the Board of Regents shall cease to act with respect to the classification or classifications of drugless practitioners for which the Board of Directors is appointed and the provisions of this Act with respect to the Board of Regents shall apply *mutatis mutandis* to the Board of Directors so appointed.

Powers of  
Board of  
Directors

(2) A Board of Directors may exercise with respect to the classification or classifications of drugless practitioners for which it is appointed all the powers that the Board of Regents would have if the Board of Directors had not been appointed.

Short title

**2.** This Act may be cited as *The Drugless Practitioners Amendment Act, 1952*.









An Act to amend The Drugless  
Practitioners Act

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*1st Reading*

March 12th, 1952

*2nd Reading*

*3rd Reading*

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MR. PHILLIPS

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No. 75

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1ST SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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An Act to amend The Drugless Practitioners Act

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BILL

An Act to amend The Drugless  
Practitioners Act

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*1st Reading*

March 12th, 1952

*2nd Reading*

March 31st, 1952

*3rd Reading*

April 7th, 1952

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MR. PHILLIPS

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